

**The Business of the College of Justice in 1600 -
how it reflects the economic and social life of
Scots men and women**

by

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N. B. A few documents appear twice because relevant in different contexts.

Document 9 of Appendix V is at the end of 'Conclusion' in the thesis.

APPENDIX I

[from Register]

Sederunt domini sessionis Joannes comes de montross cancellarius,
Alexander dnus fyvie preses, dns Jacobus elphinstoun de barnetoun
miles secretarius, Joannes Commendatarius de halyrudhhouse,
willielmus commendatarius de toungland, Edwardus Commendatarius de
kinloss, Maister Johannes prestoun de fentounbarnis collector
generalis, Magister Joannes skene cls Regri, Maister thomas
hammiltoun de drumcarne Advocatus Regius, Magr david makgill de
cranstoun riddell

dnus david lyndesay de edyell miles

dnus Joannes cokburne de ormestoun miles

Clericus Justiciarius

dnus Ricardius cokburne de clerkingtoun miles[privy seal]

Archibaldus douglas de quhittinghame

Andreas wemis de myrecarny

Alexander Magister de elphinstoun thesaurarius

Peteris episcopus dunkelden

dnus Robertus melvill de murdocarny miles

Walterus Commendatarius de blantyre et[space]

CS7/191/1r

[from Scott's Minute book]
Stilo Novo... Primo Januariis 1600

SEDERUNT DMI SESSIONIS
Montrois, cancellarius
fyvie, preses
secretarius
halyrudhous
tungland
fentounbarnis
cranstounriddell
edyell
kinlos
cls regri
maircairny
cls Justiciar
quittinghame
privie seill
advocatus

[from Hay's Minute book]
Primo Martii 1600

SEDERUNT DMI SESSIONIS
Joannes de Montrois, cancellarius
dms fyvie, preses
guilelmus melvill commendatarius de toungland[faded]
elphinstoun de barnetounmiles, secretarius
archibaldus dowglas de quittinghame
mgr thomas hammiltoun de drumcarne, advocatus
magr Joannes skene, clericus regri
mgr Joannes prestoun de fentounbarnis, coll gen
edwardus commendatarius de kinloss
andreas wemis de myrcairny
Joannes commendatarius de halirudhous
dms Joannes cokburnne de ormiestoun miles, iusticie clericus
dms richardus cokburne de clerkingtoun miles, dms privie seill
magr david mcgill de cranstoun riddell
dms thomas lyoun de auldbar miles
dms david lyndsay de [? balcarres], miles
alexander de elphinstoun thesaurarius
marcus dms newbottell, commendatarius de blantyre
petrus eps dunkeld

[from Register]
Apud edinburgh decimo sexto die mensis decembris 1600

SEDERUNT DMI SESSIONIS
Joannes Comes de Montrois, Cancellarius
Alexander dus de fyvie, preses,
dus Jacobus elphinstoun de barnetoun, miles, secretarius
Magr thomas hayltoun de drumcarne, advocatus regius
Magr Joannes skene cls regri
Magr Joannes prestoun de fentounbarnis
Magr Joannes bothvell Commendatarius de halyrudhous
Magr willelmus melvill commendatarius de toungland

1a₃

Magr edwardus bruce Commendatarius de kinloss
dus Joannes cokburn de ormiestoun miles, Cls Justiciarius
dus Richardus cokburne de clerkingtoun miles, secreti sigilli custos
Archibaldus dowglas de quittinghame
Andreas wemis de myrecairny
Alexander Magr de elphinstoun thesaurarius
dus thomas lyoun de auldbar miles
marcus dus de newbuttill
dus Robertus melvill de murdocarny miles
et Petrus eps dunkelden

CS7/193/1r

Lords of Council 26 June 1598

'Alexander Lord Fyvie, president
 William, Commendator of Tungland
 Jon, Commendator of Haliruidhous
 Walter, Commendator of Blantyre, thesaurer
 Edward, Commendator of Kinloss
 Achibald Douglas of Quhittinghame
 Mr James Elphinstoun, parson of Eglishame, secretarius
 Mr Thomas Hammiltoun of Drumcarne, advocat
 Mr Jon Skene, clerk of Registratioun,
 Sir Jon Cokburne of Ormestoun, knyt, Justice clerk
 Sir Robert Cokburne younger of Clerkingtoun, lord privie seill
 Sir David Lyndsay of Edzell, knyt
 Mr Jon Prestoun of Fentounbarnis
 Mr David McGill of Cranstounriddell
 Andro Weymis of Maircairny
 Sir Robert Melvill of Murdocairny, knyt
 Mr Peter Rollok, bischop of Dunkeld

(CS7/187/362v) (H236)

[from Register]

... and intends to put him to the horne maist wrangouslie considdering that the decreit is null and merits to be annullit be way of suspensioun allanerlie conforme to the act of parliament ordaning all nullaces to cum in alsweill be way of exceptioun as actioun and can reseave na executioun in sa far as the same wald appeir to be ane unlawfull and unfair practitioun, qlk nather of law nor practik of this realme can subsist, and quhairsoever the words of the obligatioun ar sett doun yit it is mair nor manifest be the said lrs obligatour that the principal sowme borrowit fra umquhile Mr willame wes the said sowme of 500merks allanerlie and that the payment of the victual at the day mentionat yrintil, and failyeing yrof the said sowme of 5merks of ilk boll yrof ar nathing bot intollerable penalteis far exceiding the enteres of pairtie and thairfoir naways aggreing with law reasoun conscience nor practik of this realme seing that the lords of counsall are in use to reduce *illicitas usuras* be pactioun of pairtie and *licitas usuras* be yr decreit

as wes decydit betuix henry wardlaw indwellar in edinburt and willame fides baxter quhair the lords reducit the failye of 100merks in caice the uyer sowme of ane hundreth merks had not bene payit at ane day to the sowme of ten merks for the hundreth allanerlie ...

CS7/186/382v (Fforbes c Johnstoun)

[from Register]

qlk day or soverane lord comperand be his awin royell personall pns declarit in the audience of the haill lords of his hienes counsall and sessioun yt it wes not unknowin to thame yt upoun ye sevint day of december last bypast the actioun and caus of triple poinding persewit at ye instance of Johnne marqueis commendator of aberbrothok and the tenentis and occupiers of certane lands within the said abbacie agains his hienes collector on the ane pairt, Mr robert bruce minister at edinburt in the secund pairt and Mrs alexander futhie, Mr ard moncreiff, Mr Jon young and divers uyr ministeris wtin the diocese of the said abbacie on the thrid pairt, anent the decisioun qlk of thame had best ryt to onie pairt of the thrids of the said abbacie of the crop ane yeir of god 1598 yeirs being callit in pns of his matie and lords of counsall comperit pllie the said Mr robert bruce and submittit and referrit the said actioun wt the gift grantiit be his hienes to him yrupoun qrby he acclamit ryt to ane pairt of the thrids of the said abbacie wt all uyr ryt competent to him to his matie and to his hienes courtesie and pleaser onlie, to be usit in all respectis be his matie as he suld think meit and expedient as ane act maid yrupoun the said submissioun ye said sevint day of december last bypast at lenth proportis:

and now his hienes efter dew tryell and consideratioun of the premisses and for divers guid causes and respectis moving his matie (proceeding speciallie upoun the guid behavior of the said Mr robert bruce) restoris repons and reintegratts the said Mr robert bruce in his awin place and in and to his foirsaid gift and ryts and titil qlk he had preceding fra his matie and all uyr richts competent to him qrby he may acclame onie pairt of the thrid of the said abbacie of aberbrothok siclyk and in the samen maner as he was befoir ye granting of the foirsaid submissioun and as gif the samen submissioun had nevir bene maid efforteouslie and earnestlie willing ye said lords to call ye said actioun of tripill poinding proceid and do iustice yrintill as gif ye said matter had not bene submittit to his matie according to all ye said pretendit[?]ryts, commanding lykwayis ane act to be maid upoun ye said repositioun and autentick form grupoun the saids lords in taikin of yr obedience acceptatioun of the said repositioun and willing to obey his hienes command in proceeding to do iustice in ye foirsaid actioun, ordanit siclyk ye pnt act to be formit and insert in ye buiks of counsall in maner abovewrittin

CS7/185/245v(Mr Robert Bruce c Futhie)

[from Warrants and Decreets]

[signed] James
Rex

Chancellare, president, Lordis of or counsall and sessioun We grete yow hartlie weill, fforsamekill as yair is ane actioun and caus of redemptioun dependand befoir yow at ye instance of frances erle of erroll agains patrik cheyne of essilmonthe, for redemptioun of ye landis of tawartie [cawartie?]

and we not being willing yat ye said patrik be preiudgit of his lauchfull defensses Be occasioun of ane horning usit and execut agains him ffor his not comperance befoir us and Lordis of or privie counsall to haif anserit to sic thingis as suld haif bein inquirit of him **anent ye imprenting and outputting of fals cwnzie**

thairfoir and for divers uyeris guid causes and consideratiounis moving us to haif dispensit and be yir presentis dispensses with him concerning ye foirsaid or ony uyer horningis quhatsumever execute or to be execute agains him during ye dependance of ye foirsaid actioun

Requesting alswa yor lls to geiff him persoun and place to stand in iudgement for defence of ye actioun foirsd and all uyeris his actiounes quhatsumever notwtstandand the saidis horningis

Subscrivit wt or hand at [blank] the[blank] day of Marche 1600

[signed] James R

CS15/77/23 (Earl of Erroll c Patrick Cheyne)

[from Register]

anent the summons raisit at the instance of Jon reid of smythislandis agais Johnne watsoun portionar of sauchtounhall, makand mentioun yat quhair Jon watsoun in mai last cruellie hurt and woundit ye persewar in his left arme and in his left hand be ye streking away of ye knope[=protuberance]of his elbow and the making of him yrby impotent of his said arme at ye leist of the throwme of his hand and the said persewar having callit and convenit Johnne watsoun befoir the baillie of ye regalitie of bruchtoun to have underlyne[= to be liable to legal procedures]the law for the said mutilatioun and to be punischit and decernit yrfor conforme to the acts of parliament

the said Johnne watsoun for elyding of ye said persute be himself and his procurators in his name producit and usit **or soverane lords respekt**[=a privilege, normally granted only under royal prerogative, entitling the grantee to have legal action against him postponed for a specified period]grantit to the said Jon under ye privie seill at halyrudhous 12 august last respittand ye said Jon in ye law and by the law for airt and pairt of ye said mutilatioun and for all actioun and cryme that micht be imputt to him yrthrow or yat ony wayis myt follow yrupoun and to be unhurt, unharmitt, unfollowit and unpersewit in his persoun and guidis yrfoir during ye space of 19 yeirs as ye said respitt beirs

and seing ye said soverane lord grantit his hienes respekt to Jon watsoun for ye tyme abovewritten that he salbe unharmitt or pursuit criminalie yrfore be ye lawis, yit nevertheles he aucht and suld mak assythment and satisfactioun to Jon reid for his said mutilatioun according as salbe decernit and modifeit yrfoir be ye saids lords conforme to ye lawis and practick of yis realme, quilk he wrangouslie refuses to do

and thairfoir ye said Jon watsoun to have hard and sene him decernit be decreit of the lords of counsall to mak assythment and satisfactioun to ye said Jon reid for his said mutilatioun according as salbe decernit and modifeit yrfoir be ye saids lords as at mair lenth is contenit in ye summons

John reid of smeithlandis being personallie present togedder with Mr alexander king his preloquitor

and Jon watsoun being lykwys personallie present togedder with Mrs william oliphant and hendrie balfour his preloquitors

all thair ryts, ressons, alledgances togedder with divers declaratiouns gevin in in writ of ayer of ye saids pairteis, estaitis and ansers maid *hinc inde* yrto, being hard and sene and understand and the lords yairwith being ryplie advysit, the lords of counsall hes modifeit and modifeis the sowme of ane hundreth merkis money of this realme to be payit be ye said Jon watsoun to Jon reid for ye compleitt assythment and satisfactioun of his mutilatioun

and yat by and attour the decreit of reducioun gevin in favore of ye said Jon reid agais ye said John watsoun reducand ye said John watsounis infeftmentis of ye saids lands of smytfeild in respect of Jon reidis hurting be ye said Jon watsoun ye tyme of ye dependence of ye said actioun of reducioun 26 Januar 1600

and decerns and ordanes Jon watsoun to content and pay Jon reid 100 merkis as for ye compleit assythment, the quhilk sowme of 100 merks wes presentlie exhibitit and productit in presens of ye saids lords be Jon watsoun being personallie present and yairefter wes instantlie deliverit **at ye bar** to Jon reid being personallie present and exonerit, quhitclomit and dischargit ye said Johne watsoun yairof for ever

and ordanes lrs to be direct heirupoun gif neid beis in forme as efferis

CS7/193/52r(Reid c Watsoun)

[from Register]

in the actioun persewit at the instance of Mr david mcgill of cranstoun riddell advocat to or soverane for the tyme ...

... it was allegit for george crawfurd[def]last februar 1596 that Jonet mcneill, pursewar, is ane bastard dochter of umquhile margaret crawfurd and swa can nocht be hard be ony richt yt is in hir persone to reduce the foirsaid retour

the lords remittit the proving of bastardie and tryal yrof to the commissers of edinburt as iuges competent yrto according to quhilk the said george crawfurd raisit ane summons befor the commissers agains the said Jonet and hir spous to heir the bastardie provin to be of veritie to the effect george micht obtene absolvitor fra the proces of reducioun intentit befor the lords

in quhilk actioun befor the commissers comperit Jonet mcneill and hir spous and allegit that absolvitor sould be giffen fra the said lyt precept becaus Jonet mcneill was gottin in laul marriage be umquhile hector mcneill hir father upoun umquhile margaret crawfurd hir mother ... they wer marreit together in face of haly kirk 37 yeiris and leveit as mareit folks in respect grof the qlk exceptioun [being] sufficientlie verifeit and provin befor the commissers they assoilyeit Jonet mcneill and hir spous fra the summons and decernit thame frie yrfra as the decreit 6July 1596 beirs

qlk decreit absolvitor being giffen befor the commissers comperit this instant day Mr Jon scharpe for Jonet mcneill and hir spous and producit the decreit togidder with ane walkening qrwit the defenders wer summonsd to have hard the principal proces of reducioun walknit of new again befor the lords and desyrit the saids lords that seing the bastardie was dischargit that he micht have actioun and proces of new in the actioun of reducioun and Mrs king and thomas gray declarit that they wald naways compeir to mak ony defence in the said actioun of reducioun but pas fra thair comperance in the said mater and remittit the actioun of reducioun to the lords for noncomperance

thairfor the lords reducit and annuls the retour purchast be george crawfurd

becaus the foirsaides personnes being upoun the service of the foirsaid brevis[in ane court haldin in the tolbuith of edinburt upoun first merche 1597 befor Mrs James saulls and alexander thomsoun sereff deputes of the syrefdome coniunctlie constitut for service of the foirsaid breve] hes retourit that the said umquhile margaret crawfurd father brother dochter of george crawfurd purchaser of the said breve deit at the faith and peax of or soverane lord and that the said george was narrest and laull air to umquhile margaret dochter to his father brother and swa affirmative as in ye service at mair lenth is contenit

notwithstanding that Jonet mcneill, laul dochter of umquhile margaret crawfurd was onlyff the tyme of the said service lyk as sche is yit and swa wes and is the narrest and laul air of umquhile margaret crawfurd hir mother at the qlk tyme the said george crawfurd purchaser of the breiff wes naways contingent in onie degrie of consanguinitie to umquhile margaret and altho he wes attingent in that degrie of consanguinitie specifeit in the said retour yit out of all questioun it micht have bene knawin to ony man that Jonet mcneill seing sche wes the laul dochter procreat etc of umquhile margaret crawfurd was in degrie narrest of consanguinitie to margaret lyk as Jonet be ane inqueist haldin in the tolbuith of striveling 14august 1590 befor david forrester of boggy, antony bruce portioner of loveland and malcolme wallace bailleis of the

42

said burgh to wit in the samen place qr umquhile margaret crawfurd
with umquhile hector mcneill efter compleiting of yr said marriage
had dwelt divers yeirs, and was servit and retourit as narrest and
laul air to umqle margaret crawfurd hir mother
bot be ye contrair the foirsaid service purchast be george crawfurd
wes haldin in the tolbuith of edinburt and consequentlie in that
plaice qr umqle margaret and hir spous never dwelt of befoir or wes
known to ony man to have dwelt, qlk wes mair nor manifest to the
hail syrefdome and consequentlie the foirsaid persones of inqueist
culd pretend na iudgment bot committit manifest and wilful error and
thairfoir aut to be punishit in thair bodies and guids conforme to
the laws of the realme

CS7/186/168v(Crawfurd c McNeill)

1

.... and the saids Lordis of consent of the defenderis having consideratioun of the said Janet Youngis povertie modifeit to hir the soume of tuentie pundis for quhilk sche than renuncit all actis of eiection, succeeding in the vice or violent profite that myt be competent to hir agains the defenderis ...
the persewar comperit be Mrs thomas craig and umphra blinseill

CS7/190/208r (Young v Semple)

2

anent or soverane Lordis lrs purchast at ye instance of Issobell dryburt agains margaret wod, andro ferguson ...[further 14 names including bailleis of canongait for yr entres]
makand mentioun quhair ye persewar is detenit in waired within ye tolbuith of canongait at ye instance of ye saids persounis for allegit not payment to them, allegit addettit be hir to thame ...
[list of small money debts - £5 14s; £3 ; 50s ; 20s ; 36s etc.]
in quhilk waired ye persewar will not fail to perische in extreme famine haifing na thing quharupoun to interteine hirsell yrintil farles to satisfie hir said dettis
thaifoir for eschewing danger of hir lyff be famine in ye said waired (albeit ye saidis persounis hes nather act nor decreet agains hir) sche is content to mak the saidis persounis assignayis of hir haill guidis and geir and dettis present and to cum ay and quhile thay be satisfieit at ye leist of all that sche salbe fundin justlie addettit be ye law
quhilk assignatiouns ye saidis persounis and bailleis refusis to ressave and put ye complener to libertie ...
persewar comperand be Mr david guthrie
defenderis oft callit not comperand
the lordis orrdane lrs to be direct upoun a simple charge of 24 hors allanerlie to charge ye bailleis of canongait to put ye defender to libertie that sche may pass and repass within this cuntrie as or soverane lordis frie liege for doing of hir necessar effairis and for ye better acquiring of guidis and geir for satisfioun of ye saidis dettis
becaus the defenderis wer summondit to have comperit befoir the Lordis to have hard lrs direct for putting of the complener to libertie or ellis to have ane ressonall caus quhy not with certificatioun to thame and thay failie the Lordis wald decerne in manner foirsaid and thay comperit not but failieit thairfoir the Lordis deccernit in maner above and ordanes lrs to be direct

CS7/186/106r (Dryburgh c hir Creditouris)

[from Register]

...the persewar[Maister robert balfour principall of the college and doctour of the universitie of bordeaux]upoun the naturall zeall and affectioun qlk he burr toward the said umquhile alexander spens student and makand his residence for ye tyme wtin the toun of burdeaux being urgeit with necessitie throw lack of money to have borne his chairges and expensses in the said toun in ane unknowin natioun far distant from his awin lent and advanceit to the said umquhile alexander spens the sowme of tuelff crownes of the sone and aughtene souss as his obligatioun to the persewar 28 apryle 1584 [1594 scored out?]

CS7/186/133r(Balfour c Spens)

ALLEGED COLLUSION BETWEEN ADVOCATE AND CLIENT

[from Register]

in actioun and caus persewit at the imstance of william sinclair of Rosling superior at ye leist proprietor of the lands milne and milnlands and haifand ryt to the ward of the same and mariage of umquhile James lord borthwik that last deceist and of John now lord borthwik his son and yrby haifand interes to reduce the proces of comprysing efterspecifeit agains Mr william hart of levilands advocat to quhom the pndit obligatioun underwrittin was maid and in quhais favor the proces of comprysing was deliverit[?], John now lord borthwik, the said jon his tutors and curators gif ony for yr entres

tuiching the productioun befor the lords of the pndit obligatioun maid be umquhile william lord borthwik guidser to the said John now lord borthwik to Mr william hart upoun the sowme of 10,000merks allegit awand be him to Mr william hart, togedder with lrs of horning and apprysing with lrs of serching of the said umquhile nobil lords moveabil guidis and lrs of denunciatioun[?]of his lands and heritages togedder with the proces of comprysing qrby the said Mr william causit appryse the lands of catcoun with miln and pertinents to have bene sene and to have hard the same retreitit becaus the lands of catcoun wer and is haldin be umquhile william lord borthwik guidser to Jon and be his predecessors of the lairds of rosling be service of waird and releif

thairfoir the lords of borthwik ar redemabill[?]to the saids lairds of rosling thair superiors in sic services and dewteis as uther vassalls hauldand ward and releif and addettit to yr superiors and specialle in the ward of the lands and mariage of yair eldest son in cais the father deceist[infeft] in the said lands in maner foirsaid in defraude of the qlk ward of mariage of the said umquhile James lord borthwik that last deceist and of the mariage of the said Johne now lord borthwik [qlk undoutedlie wald haif than pertenit to umquhile sir william sinclair of rosling superior of the saids lands and consequentlie to the said complener his sone and superior of the saids lands and haifand ryt be his dispositioun to the said ward and mariage of umquhile James lord borthwik]

the said obligatioun was given be umquhile william lord borthwik to Mr william hart to the effect that be apprysing of the saids lands halden in ward and releif, the said ward of mariage sould be fraudfullie and be circumventioun tane away fra the umquhile laird of rosling and consequentlie fra william sinclair now of rosling his son, ther being na sik ather trew or apparent caus of the said obligatioun qrfor the said Mr william hart culd haif debursit sa greit sowmes as 10,000punds[?merks]for releif of the umquhile william lord borthwik his lands, qlk can never be schawin that they wer ever relevit be ony debursit money maid be the said Mr william hart, yit only trew dettis grof the said Mr william relevit the said umquhile william lord borthwik, guidser to Jon now lord borthwik at ony creditors hands

or yit is it likelie that the said Mr william nicht haif relevit him or debursit sa greit a sowme but that the hail deid and obligatioun was fraudfullie done betuix umquhile william lord borthwik and the said Mr william hart, the said Mr william being at that tyme his brother in law, procurator, actor and factor and haifand the credit in all his affairs and takand the burdene upoun him for umquhile william lord borthwik in his wechtiest effairs lykas befor the

registratioun of the said principal obligatioun, tyme foirsaid, about the end apryle 1581 being the first tyme that ever the same came to knowlege, the said umquhile lord borthwik had contractit the deidlie seiknes qrin he deceissit, qlk movit the pairteis to haif the registratioun yrof and comprysing schortlie following yrupoun in maii immediatelie yrefter with greit diligence and for better clearing of the said collusioun betuix the saids pairteis being coniunct persouns in hurt and preiudice of or lord his ward and mariage foirsaid

it is of veritie and gif neid beis sal be provin be aith of pairtie to quhome the pndit obligatioun was maid that the tyme of subscriptioun yrof, at ye leist befoir the registratioun yrof, the said Mr william in presens of divers freinds of the name and hous of borthwik maid subscryvit to the said umquhile william lord borthwik ane bakband qrin the said Mr william grantit that the obligatioun maid to him was for saiftie of the said umquhile lord borthwik and his airs mariage and eschewing of the ward of the saids lands of catcoun that be his deceis wer to fall in the hands of the laird of rosling as superior and be his bakband band him, his airs to use the said obligatioun for comprysing of the saids lands of catcoun and na uyerwayes unto the weill and utilitie of the hous and airs of umquhile william lord borthwik, and howsoon the lands of catcoun warapprysit and the said Mr william infeft yrin be vertew yrof, that he sould sett the same again in few to the said umquhile lord, his airs for the payment of the retourit dewtie allanerlie

and swa be plaine collusioun and simulatioun betuix umquhile william lord borthwik and the said Mr william hart the saids lands of catcoun war apprysit and eiectit fra the said umquhile william lord borthwik induring his lyftyme to the effect that he sould not be vestit and seasit yrintil

and consequentlie the ward of the saids lands with the mariage of the air sould not fall in the first superiors hands thinking yrefter as may be probablie collectit of sik maner of proceedings betuix sa coniunct persouns that ather of the aquittance of the sowmes contenit in the reversioun legal and inherant in the said comprysing, the said umquhile James lord borthwik that last deceist nicht recover the saids lands be the same and lykand airs as he left thame, the said umquhile sir william sinclair superior in all his lyftyme being defraudit of his richt qlk wald haif fallen to him in cais the obligatioun had not bene maid, not only leiding to his hurt of the saids lands of rosling but to the evident subversioun of all uyr ryts that ony superiors may pretend, thair vassalls hauldand ward and releif of tham, gif be sik fraudulent and simulat copings and intercharging the lands sall be tane fra ane vassall to ane uyr but the superiors consent and they defraudit of yr richts in respect grof the obligatioun and registratioun is fraudulent with proces of comprysing and suld be annullit

william sinclair of rosling comperand be Mrs alexander king and John nicolsoun

Mr william hart comperand be Mrs thomas craig and william oliphant John now lord borthwik, his tutors and curators, not comperit

grupoun Mrs thomas craig and william oliphant askit instruments and that the said John lord borthwik being callit to this proces and actioun, comperit not to defend yrintil

the lords reduces annulls the obligatioun allegit maid be umquhile
william lord borthwik to Mr william hart with the decreit of
registratioun togedder with the executioun and proces of comprysing

becaus the reasouns wer fund relevant annd admittit to the persewars
probatoun, the saids Mrs alexander king and John nicolsoun insted
of furder probatioun referrit to Mr william hart his aith, pllie
present quha being examinat, the lords be consideratioun of his aith
and depositiouns at lenth sett down in proces, subscrivit with his
hand, fand yrby the collusioun and caus abovespecifeit sufficientlie
verifeit

thairfoir the lords decernit in maner abovewrittin and ordanes lrs
to the effect foirsaid and als for the sowme of ten pundis togedder
with the sowme of fyve pundis to the collector

CS7/192/22r (Rosling c Hart)

in actioun and caus persewit at ye instance of umquhile maister Johne moscrope advocate agains cuthbert elphinstoun of henderstoun son and air of umquhile dyoneiss elphinstoun makand mentioun quhair umquhile dyoneiss elphinstoun be his lrs obligatours subscrivit with his hand 2 Junii 1560 band him to ye said umquhile Mr Johne in maner followand to wit that for sameikle as ye said Mr Johne at his command comperit in sanct geillis kirk and comptit numerrat tauld and offerit to Jonet scot lady posso the soume of 200 merks money of this realme in ye name of umquhile dyoneiss for redemptioun be him fra hir and the airs of umquhile thomas hay of the thrid pairt lands of smeifeild and saxt pairt lands of corstinyefeild and carcass and be reasoun of the refuse of the said soume be alexander park than thesaurer of the said burt of edinburt, the said umquhile mr Johne grantit the same soume consignit in his hands to the said umquhile dyoneiss to the utilitie of the said umquhile Jonet scot and the airs of umquhile thomas hay

quhilk soume dyoneiss be his lrs obligatours expresslie confessit to be the said umquhile Mr Jone his awin proper money and na ways pertening to him and thairfoir the said umquhile dyoneiss band and oblist him to deliver the said soume of 200 merks into the hands of umquile Mr Johne within 10 days efter the dait of the said obligatioun for the said Mr Johne his releiff and to warrand the said umquile Mr Johne and his airs yrof

and albeit on 8 Junii 1560 the said lands being redemit be vertew of the said consignatioun, Johne hay and gilbert hay tutors to Johne hay son to the said umquhile thomas thair brother and mitchell nasmyt of posso takand the burding upoun him for ye said Jonet scot grantit thame to haif ressavit fra the said umquhile Mr Johne the soume of 200 merkis consignit in his hands for redemptioun of the saids lands as thair acquittance maid and deliverit to umquhile umquhile Mr Johne yrupoun proportis

quhilk acquittance cuthbert elphinstoun son and air of umquile dyoneiss on 15 Junii 158- producit and usit be Mr alexander king his procurator in judgement for fortificatioun of the service of breiffis of the saids redemit lands and alswa the said umquhile dyoneiss in November 15-- band him to content and pay to umquhile Mr Johne the soume of 8 merkis yeirlie be ye space of thrie yeiris beginnand the first termis payment at ye feist of witsonday the term efter the dait of the said obligatiounand that for the said Mr Johnis procuratioun befoir the Lordis of Counsall or ony uther jugis within the burt of edinburt in all and sundrie his actiounis against quhatsumevir persoun or persounis except the persounis to quhom umquhile Mr Johne was detbund of befoir as in the said obligatioun of the dait foirsaid at mair lenth is contenit ...

CS7/192/207v(Cap. Yeosteane c Elphinstoun)

[from Register]

qlk day the lords assigns to Mr william oliphant procurator for duncan cambell capitane of carriik of his awin consent the tent of januar to exhibit Jon dow mcallester, duncan mcenpharik, archibald mcilverie, archibald mccleriche, Jon strauchan and neill mcaulay with sic uyr witnesses as he will use for preving the exceptionis proponit for the pairt of duncan cambell in the actioun and caus persewit be Jon buchannan furth of the half lands of drumfad and spoliatioun fra him of guidis and geir with certificatioun to Mr william oliphant and he faillye to produce the said witnesses and uyr probatioun that na farder terme dyet nor diligence salbe grantit to him to yat effect bot ye said actioun and caus salbe haldin as concludit

duncan cambell comperand be Mr william oliphant

Jon buchannan comperand be Mr robert lintoun

qlks ar warnit apud acta

CS7/185/357v (Buchannan c Cambell)

PROTESTATION FOR OFFICIAL ENDING OF ACTION

11

[from Register]

qlk day Mr Johnne scharpe for andro edmestoun of yat ilk askit instrumentis that he producit the extract of ane act of 19 november last beirand 15 december instant to have bene assignit to adame tait in gilmertoun to have producit diligence and probatioun for preving points of certane exceptiounis proponit be him in the actioun and caus persewit be andro edmestoun agains him tuiching the violent occupatioun of certane lands of the toun and lands of gilmertoun and that adame tait nor na uyr in his name producit ony diligence or probatioun for satisfying of the said terme thairfoir protestit that the said terme assignit to the said adame tait for preving of the said exceptiounis be haldin as concludit and the said actioun and caus as concludit the qlk protestatioun the lords admittit

CS7/185/357r(L Edmestoun c Tait)

James be the grace of god king of Scottis to our lovittis Johnne Leirmont messinger (BLANK) our syreffis in that pairt coniunctlie and severallie speciallie constitute greting ffor sameikle as it is humellie menit and schawin to us be our lovitt thomas patersoun merchand burges of our said burgh of edinburgh heretor of the tenementis of land efter specifeit That quhair alesoun udirre relict of umgle william patersoun merchand burges of our said burghis fathir allegeing hir to be infeft in lyfrent in certane landis and tenementis lyand within our said burgh of edr. on the north syde yairof in Mr alexander kingis clos quhairby sche continuallie sen his deceis hes brukit & possessit the samyn and takin up ye males & dewteis yairof And albeit be our act of parliament lyfrenteris ar haldin to uphald and intertene yt ye housses bigingis and policie yairof quhair thay haif yair lyfrent and to mak thame to be and remane als guid and in ye samyn estait at yair deceisses as thay wer ye tyme of yair intromissioun yairof Nevertheless ye said alesoun being lyfrenter of ye saids lands & tenementis pertening to ye said complenir in heretage sufferis ye samyn to decay in ruif sklaittis infixit timmer wark duris windowis lofting and uyairs necessaris and sche and James hunter glassin wrycht now hir spous makis na reparatioun and will put na help nor remeid yairto quhairthrow the samyn is aible to becum ruinus and ye said complenir will suffer and sustene grit skayth efter hir deceis without thay be compellit as is allegit OUR WILL IS & we charge yow yat ye lauchfullie summond warne & charge alesoun uddart and James hunter now hir spous for his entres to compeir befoir us and our counsall at edinburgh or quhair it sall happin us to be for ye tyme the xxvi day of junii in ye hour of caus with continuatioun of dayes to heir and sie yame decernit be decreit of ye lords of our counsall instantly at yair comperance to find to ye said complenir sufficient and responsall caution & souertie actit in ye buikis of our counsall that thay sall beilt mend and repair ye foirsaid lands & tenementis in windowis duris sklaittis lofting ruif infixt wark and uyairs necessaris and to intertene and mak ye samyn remane als sufficient and to be als guid estait in all respectis at ye said alesounis deceis as thay wer ye tyme of yair intromissioun yairwith Immediatly efter ye deceis of ye said umgle w m patersoun hir first spous conforme to our said act of parliament Or ellis to schaw ane ressonable caus quhy the same suld not be done With certificatioun to thame and thay faillye ye said alesoun sall be deceernit to tyne and amit ye males & dewteis of ye saids landis during hir lyf tyme conforme to ye said act and according to iustice as ye will anser to us yairupone The quhilk to do we commit to yow coniunctlie and severallie our full power Be yir our lettirs delyvering yame be yow dewlie execut and indorsat agane to ye berar Gevin under or signet at edinburgh twentie sevin day of maii and of our regim. the xxxiii yeir 1600

Ex deliberatione duorum. consilii

W Kellie (sign for W.S.)

A Layng
vii junii

CS15/78/37 (Paterson c Uddart)

James be the grace of god king of Scottis To oure lovittis *Niniane Ramsay messenger* (BLANK)messengeris oure syrefis in yat pairt coniunctlie and severallie speciallie constitute greiting fforsamekill as Aulay mccauley of ardinapill hes obtenit tua severall protestationis befoir ye lordis of oure counsall Againis ye personis repvie. following viz.and young of ye dait ye tuelf day of junii instant Agains Johne wod of mildowing decerning him to content and pay to ye said Aulay ye sowme of sex pundis as for expensses money debursit and sustenit be him in defens and persute of ane actioun of suspensioun persewit be him agains ye said aulay mccauley on ye ane pairt dwgal campbell on ye secund pairt and Johne campbell of arkinglas on ye thrid pairt anent ye richt of certane wictuall acclomit be ye saidis thrie pairties of certane landis lyand wtin ye parochin of rosneth yeirlie of ye cropis and yeiris of god Mvcofirscoir sextene and foirscoir sewintene yeiris togidder wt fourtie schillingis payit to or saidis lordis collector conforme to yair lait ordinance And ye uyer of ye saidis protestatiounis of ye dait abovespecifeit Agains mathow mccauley of ardoche decerning him to content and pay to ye said aulay mccauley ye sowme of uyer sex pundis as for expensses of pley maid debursit and sustenit be him in obteneing of or saidis lordis protestatioun Agains certane lres. raisit and execute at ye instance of ye said mathow anent ye teindis of ye parochie kirk of rosneth pertening to dugall campbell broyer to ye said Johne campbell of arkinglas as takismen of ye samen and fourtieschillingis payit to or saidis lordis collector conforme to yair foirsaid ordinance As in ye saidis tua severall decreitis and protestatiounis of ye dait foirsaid at mair lenth is contenit qlkis decreitis ye saidis Johne wod and mathow mccauley in nawayis will obtemper and fulfill to ye said aulay mccauley ilk ane of yame repvie. for yair awin pairtis as abovespecifeit without yai be compellit OUR WILL IS heirfoir and we charge yow straitlie and commandis incontinent(?) yir oure lres. sene ye pas and in or name and matie. command and charge ye saidis Johne wod of mildowing and mathow mccauley of ardoche to mak payment to ye said aulay mccauley within sex dayes of ye sowmes of money abovespecifeit ilk ane of yame repvie. for yair awin pairtis as is above rehersit Conforme to ye tennor of ye saidis tua decreitis and protestatiounis of ye dait abovementionat in all pointis Within sex dayis nixt efter yai be chargit be yow yrto under ye pane of rebelloun and putting of yame to oure horne And gif yai failyie yairuntill ye saidis sex dayis being bypast that ye incontinent yairefoir in oure name and auuctie. denunce ye disobeyaris oure rebellis and put yame to oure horne And ordane all yair movabill guidis to be escheit and inbrocht to oure use for yair contemptioun And yat ye immediatelie efter yair denunciatioun Caus refer yir oure lres. wt ye executioun and indorsatiounis yairof conforme to oure lait act of parliament maid yairanent and to iustice As ye will anser to god yrupoun The quhilk to do we commit to yow coniunctlie and severallie oure full power Be yir oure lres. delyvering yame be yow deulie execute and indorsat agane to ye berar Gewin under oure signet at edr. ye tuelff day of junii and of oure regne ye xxxii yeir 1599

Per decreta duorum consilii

Jo eistoun (sign for W.S.)

A Layng
xviiiiaug

CS15/78/96 (Drummond c Sempill)

ENDORSATIONS

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Upone the first day of Sepr. the year of god 1599 yeiris I Niniane Ramsay messer. syref in that pairt within constitute past at command of thir or soverane lords lres. And in his hienes name & auctie commandit & chargit mathow macawlay of ardoche personallie apprehendit to mak payment to Aulay macawla of ardincappill partie within writtin of the sowme of sex pundis of expensses of pley maid debursit and sustenit be him in obteneing of the protestatioun within specifeit with xlsh payit to the lords collector conforme to thair ordinance within sex dayes nixt this my charge under the pane of rebelloun and putting of him to hiis maties. horne Conforme to the tennor of the protestatioun within mentionat and lres. within writtin past thairupone in all poyntis Off the qlks I delyverit to the said mathow ane iust coppie And this I did befoir thir witnesses, patrik mccawla in kirkmichaell Johnne mccawla in brigend & James mccawla servitor to the said aula mccawla and williams Ramsay my servitor And for the mair verificatioun to this my executioun & indorsatioun My signet is heirto affixt.

(signed)NRamsay Messinger

And becaus the said mathow mccawla disobeyit the command of the saids lres. Thairfoir upoun the xx of September the year of god abovewrittin I the said Niniane Ramsay messinger syref in that pairt within constitute past at command of or soverane lords lres. within writtin to the marcat croce of the burgh of dumbartane And thair be opin proclamatioun efter thrie oyesses as use is I orderlie denunceit the said mathow mccawla of ardoche his maities. rebell and put him to his maties. horne be thrie severall blastis of my horne as use is and ordanit all his moveable guidis to be escheit & inbrochte to his maties. use for his contemptioun And this I did befoir thir witnesses Robert montgumrie James mcca Robert semple bailie of dumbartane And for the mair verificatioun to this my executioun & modificatioun Subscryvit with my hand My signet is heirto is affixt.

(signed)NRamsay Messinger

Upone the xxi day of September the year of god 1599 yeiris I niniane Ramsay messinger syref in that pairt within constitute past at command of thir or soverane lords lres. And in his hienes name and auctie. commandit and chargit Johnne wod of myldoving dwelling in littill kirkmichaell being his dwelling place quhair his wyff bairnes & servands dwellis presentlie and efter I had knokit sex severall knoks at the said yet I could get no entrie I affixt ane iust & autentick coppie of thir withinwrittin lres. Becaus I could not apprehend him personallie to mak payment to aula mccawla of ardincapill pairtie withinwrittin of the sowme of sex pundis money as for expensses of pley maid debursit & sustenit be him in obteneing of the protestatioun within speciefait with xlsh payit to the lords collector conforme to thair ordinance within sex dayes nixt efter this my charge under the paine of rebelloun & putting of him to his mateis. horne conforme to the tennor of the protestatioun within mentionat and lres. withinwrittin past yrupone in all poyntis And this I did Befoir thir witnesses James mcca Johnne mcmichaell and Johnne mccawla in brigend servands to the laird of ardincapill And for the mair verificatioun to this my executioun & indorsatioun Subscryvit with my hand my signet is affixt.

(signed)NRamsay Messinger

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And becaus the said Johnne wod wald not obey the command of the
saisd lres. bot contempnandlie dissobeyit the command of the samyn
Thairfoir upoun the xxviii day of the said moneth of September and
yeir of god abovewrittin I the said Niniane Ramsay messer. syref in
that pairt within constitute past at the command of the saisd lres.
to the marcat of the burgh of dumbartane being the heid burgh of the
schyre and thair be opin proclamatioun of thrie oyesses as use is I
orderlie denunceit the said Johnne wod of myldoving his mateis.
rebell and put him to his mateis. horne be thrie severall blastis of
my horne as use is and ordanit all his moveable guids to be escheit
& inbrocht to his mateis. use for his contemptioun And this I did
befoir thir witnesses Robert (TORN)baillie of dumbartane tobias
smallat of kirkton patrik mccacla messer and for the mair
verificatioun (to this)my executioun Subt. wt my hand my signet is
affixt.

(signed)NRamsay Messinger

CS15/78/96 (Drummond c Sempill)

[from Warrants and Decreets]

upoun the first day of Junii 1600 yeiris I gilbert still syref in
yat part wt writts past at command of yis or soverane lords lrs to
ye parroche kirk of St machar and yr in pns of ye parrochiners
convenit for ye tyme lauchfullie summondit warnit and chargit all
and sundrie fewars fermorars tennentis takkismen and intromettors wt
ye fruitis and rents of ye tua part of ye bischoprik of aberdein not
assumit in ye thrid efter ye forme and tenor of yir or soverane
lordis lrs in all points qrof I affixt and left a copie upoun ye
maist patent dur of ye said kirk and this I did befoir thir
witnesses william wallace James cunninghame and william montgumry
for ye mair verificatioun my signet is affixt

seal protected with scrap of paper [with dirty
thumbprint]

CS15/78/80 (Wallace c Parochiners of Aberdene)

TABLING OF A SUMMONS

16

Ane summonds upoun the declarator of ye gift of escheit at the instance of Mr thomas hammiltoun of drumcarne advocat to or soverane lord for his hienes interes and alexr young of eistfeild ischer of his maiesteis chalmer donator & agains david peirsoun in lewin husband to umqle katherine rotsoun als. lathanzie tabulat at command of ye said Mr thomas hammiltoun advocat and affixt upoun ye syd wall of ye tolbuith of edr.above the counsalhous dur yrof quhair the lords of counsall sittis for administratioun of justice the xxvii day of mai Mvict to be callit be ye saids lords upoun fryday nixtocum the penult day of ye said monethe.

(signed) MrJ Bannatyne

CS15/77/36(Young c Persoun)

[from Register]

The lords ordanes lrs to be direct at the instance of alexander craufurd of balgregan to command and charge the syref of the syrefdome of wigtoun and kirkcudbright yr deputes and other ordinar iudges wtin quhais boundis and iurisdiction the witnesses underwrn dwellis [list]to tak and apprehend thame quha ar decernit or soverane lords rebellis and put to his hienes horn for noncompeirance befoir the lords to have borne witnes for elyding the pointis of the summons persewit at the instance of patrik williamsoun son laul to umgle william williamsoun in garskeoche for himself and as second persoun contenit in the lr of tak and assedatioun...and they being apprehendit to produce thame in pns of the lords 20 june to the effect that the lords may do furder iustice in the said mater under pane of rebellioun and putting the said syreffis and yr deputes and uyr ordinar iudges to the horn and to escheit and inbring all yr moveabill guides to his hienes use and ordanis alexander craufurd or ony uyris in his name sufficientlie instructit to pas fute for fute wt the said syreffis and yr deputes and uyr ordinar iudges to schaw and declair quhair or in quhat place and boundis the said rebells dwellis and remanes

CS7/190/24r(Craufurd c Williamsoun)

[from Register]

decimo quarto [feb 1600]

Qlk day lords ordanes lrs to be direct at the instance of Jon moncur of slains and James symsons reider at kynneff to denunce alexander arbuthnot, william leipar proveist of bervie, Maister BLANK douglas minister, Mr Jon Foullartoun, Mr george fraser, Jon Moncur, Mr Jon Rait and Jon raburne our soverane lords rebels and put thame to the horn and escheit and inbring all yr moveable guidis to his hienes use becaus they wer summond of befoir to have borne leill and southfast witnessing for proving of the ressoun of suspensioun wt ane eik gevin in yrto and productit for ye pairt of Jon symsons in ye actioun of suspensioun persewit be Jon moncur and James symsons agains Mr James rait tuiching the suspending of the lrs of horning qrwt James rait causit charge thame to flit fra ane manse and gleib designat to him and faillyeit yrintil as the proces, executionis, indorsatiounis, shawin to the lords comportit and bore and ordanes Jon moncur and James symsons to report the saids lrs execut and indorsat befoir the lords tuentie may that the lords may proceid ...and ordanes the persewars to have lrs to summond the witnesses summond of befoir and comperit not under gritter panes for proving of the foirsaid ressone and eik the persewars comperand be Mrs Jon nicolsone and richart spens Mr James rait comperand be Mr James donaldsoun

CS7/185/126v(Moncur c Rait)

[from Register]

Qlk day the lords assigns to Mrs richard spens and rot cokburne prors for robert bruntfeild in hutoun the tent december of yr awin consents to exhibit and produce befor the lords johne purves in fischuik, thomas paterstone at ye eist miln of nisbit, rot prestoun, alexander purves, Johne polwart and adame lindoiris in home to beir leill and southfast witnessing in sa far as they knaw or salbe speirit at thame in the actioun and caus of suspensioun persewit be rot bruntfeild agains Mr alexander lumsden minister at hutoun tuiching the suspensioun of ye lrs of horning qrwt Mr alexander lumsden causit charge him to flit fra certane aikeris of land designit to him in gleib

as the acts in the said mater beiris with certificatioun to Mrs richard spens and robert cokburne ,procurators foirsaidis, and they fail to produce the saids witnesses the said day that na farder terme dyet nor diligence salbe grantit to thame to that effect bot the said actioun and caus salbe haldin as concludit

CS7/185/323r(Bruntfeild c Lummsden)

[also from Register]

...with cerification to

[from Register]

... the lords continews unto 10 Julii and ordanes ye persewar to summond ye witnesses summondit of befoir and comperit not to be summondit under gritter panes

that is to say James houstie in haltoun, James tailyor yair, andro sym yair, and becaus ye lords understandis be sufficient testimoniellis direct to yame be ye prisbiterie of forres that thomas porterfeild, david duncane and william aliesoun parochineris of ye kirk of ramfart[=Rafford] ar unhabill to traivell to yis burt of edinburt to depone in yis actioun althocht thai wer sundrie tymes summondit of befoir to have comperit befoir ye lords of counsall to have deponit in ye said mater and that in respect of yair gritt aige and inhabilitie thairfoir ye saids lords of counsall hes given and grantit and be ye tenor heirof giffs and grants full power and commissioun to ye bailye of ye regalitie of kinloss to ressave ye depositiounis of ye saids thomas porterfeild, david duncane and william aliesoun within ye towne of forres

and befoir yai depone in ye said mater ordanis ye bailye of ye said regalitie of kinloss to ressave ye saids thrie witnesses solempnatlie sworne that thai sall laulie and trewlie depone in ye said mater

and assigns ye first and second days of Julii nixttocum to ye said Mr Jon scharp to caus ye saids thrie witnesses compeir in ye towne of kinloss to ye effect thai mai depone in ye said mater and ordanes ye said bailye to suffer ye said lawrence dundas and James creichtoun of ruthvenis or ony utheris in yair names havand yair power to be present ye tyme yat ye saids witnesses salbe sworne to depone in ye said mater

and siclyk ordanes ye said bailye of ye regalitie of kinloss to caus put ye saids thrie witnesses depositiounis in writt, subscrivye the samen with his hand and yrefter to close ye samyn depositiounis and efter yat ye samyn be closit to delyver ye samyn to ye said Mr Jon scharp or ony utheris in his name haifand his power to ye effect ye said Mr Jon scharp may report ye samyn in presence of ye lords 10Julii with continewatioun of dayis and that yrefter ye lords may proceid and minister justice in ye said mater as effairis ...

CS7/189/360v (Mr Jon Scharp c Dundas)

[from Register]

Qlk day in pns of the lords comperit pllie Mr richard spens advocat and John stevinsoun in the west mure of edinburt and referrit and submittit thame to the decisioun, decreit arbitrall and amicable sentence of the saids lords of counsall and sessioun anent all materis debaittable, questiounis, pleyis and contravversies that ather of the saids pairteis hes or may lay to uyris chargis and speciallie anent the decreit obtenit be Mr richard agains andro[stevinsoun]befoir the saids lords for dountaking of certane wark biggit in the said andro his tenement of land and fixt in the said Mr richard his south gavell and in quhat respect the said andro and his tenement salbe frie[?]of the said Mr richard, his airs and successors of all questioun and truble of law to be movit be yame in all tyme cuming

and siclyk anent the decreit of nichtborheid obtenit be umqle william adamsoun, the said andro his author agains the said Mr richard spens finding the north wall of the said andro his land to pertene to umqle william and decerning the said Mr richard to clois and big up ane greit squair windo cassin out yrintill as the said decreits at lenth beirs

the lords haifing hard and considderit the pairteis richts, the lords be yr decreit arbitral and amicable sentence ordanit the said Johnne stevinsoun to have done wrang in laying ane jeist throw Mr richardis gavell and making it kyith[=revealed]and be seine in the said Mr richardis chalmer chymnay

thairfoir ordanis the said andro to cut off ane hand bred of the end of the said jeist and big the samyn up agane wt stane and lyme

and als ordaning the said andro to haif done wrang in the said easing drope[=eaves]of his sklaittis to cum hard to the said Mr richardis bakstair quhairby the tymmer of the said stair may be tint rottin and consumit

thairfoir ordaning andro to caus mend the samyn and leave ane hand bred fore betuix the said stair and his sklaittis that the water that cumis off the sklaittis may haif fore[?frie]passage and directlie fall to the grund

and siclyk ordanes andro in all tyme heirefter to keip the guttar betuix him and the said Mr richard cleyne and to keip Mr richard, his airs and successors skaithles of ony weit or water that may cum upoun the said Mr richardis land ather be the said androis sklaittis or his said guttar

and in lyk maner decernis and ordanis ye said Mr richard to caus clenge[=to make clean or clear]all ye cobillis[?corbills]and droppis of his hous that it may be sein gif ye said andro be his new bigging hes done ony thing to the hurt of the stone passage of the saids cobellis and droppis and gif ony hurt be done, to repair the samyn with diligence

and forder ordanes the said andro stevinsoun to pay Mr richard spens 200merkis in full recompense of ony uyr questioun fra ony pairt of the said new wark laitlie biggit be the said andro in maner following

100mks pntlie at the dait heiroyf

uyr 100 mks in compleit payment of the 200 merkis betuix the dait heiroyf and pasche nixt to cum bot forder delay

CS7/190/387r(Spens c Stevinsoun)

[from Register]

...it is of veritie that thair being ane decreit gevin at the instance of Mr richard spens agains the persewar for doun taking of the said wall, he obtenit suspensioun thair of and the said lords finding the said mater micht be mair easilie discussit be certaine honest men, nichtbouris of the said burgh quha best knew the veritie and estait of the said nichtbourheid in the said mater, the saids lords than remittit it to ninian macmorran and Johne thomsoun burgesses of the said burgh to be tryet be thame and the same being undiscust at the giving of the said decreit of suspensioun, lyk as the samyn is yit, thair culd na decreit bene given agains the persewar nather culd he be justlie decernit to mak payment to him of ony expenses, and yit for the mair abundance he hes consignit the said sowme in the lords hands ql the premisses be discussit and declaratour givin yrupoun, in respect qrof the uyr lrs of horning suld be simpliciter suspendit upoun the persewar.

CS7/192/82r (Adamsoun v Stevinsoun)

APPOINTMENT OF COMMISSIONERS

230

[from Warrants and Decrees]

... and for decisioun of ye said actioun the saidis lordis of counsall upoun supplicatioun geve and grantit be ane act and commissioun maid under ye lord clerk of registeris subscription for ye tyme upoun ye last day of Januar the yeir of god Mvct fourescoir tuelf yeiris full power and commissioun to Mr thomas gray umquhile Mr mark borthuik and Johne haliday advocatis coniunctlie makand yame syreffs of our said syrefdome of lanerk in yat pairt ffor preving and doing of justice to all ye saidis pairteis as accordis and to sitt in ye tolbuik of or burt of edinburt or upoun ye ground of ye saidis landis as ye saidis judges sall think expedient and to creat clerkis[?]servandis dempsteris etc

and becaus ye said commissioun was grantit to ye saidis thrie judges coniunctlie and yat ye said umquhile Mr mark borthuik is now departit his lyffe ane of the samen thrie judges ye uyer tua maun not proceid in ye saidis actiounis except ye saidis lordis of or counsall gif yame power and commissioun to yat effect or yan tane ane uyer to yame makand yame coniunctlie syrefs of or said syrefdome for doing of justice in ye saidis actiounis as is allegit

Oure will is heirfoir and we charge yow that ye lauchfullie summond warne and charge ye saidis william kneland of yat ilk alexander stevinsone of yat ilk and James baillie now of carphyn to compeir befoir us and oure counsall at edinburt or quhair it sal hppin us to be for ye tyme ye aucht day of februar nixt in ye houre of caus with continewatioun of dayis to heir and sie power and commissioun grantit be ye saidis lordis of oure counsall to ye saidis Mr thomas gray and Johne haliday judges on lyf mentionat in ye said commissioun makand yame coniunctlie syrefis in or said syrefdome of lanerk in yat pairt for cognoscing and decisioun in ye saidis actiounis conforme to ye samyn auld commissioun or yay to conjoine[?] to yame mr umphra blinschell advocat or ony uyer advocat yat salbe nominat in presens of ye saidis lordis

makand yame all thrie coniunctlie syrefis of or said syrefdome of lanerk for cognoscing in ye saidis actiounis conforme to ye samen and commissioun

and to have ye full effect yairof according to ye tenor of ye samen or ells to schaw ane ressonall caus quhy ye samen sould not be done with certificatioun to yame and yai failyie yairin ye commissioun salbe grantit in maner foirsaid according to justice as ye will anser to us yairupoun ...

THE GRANTING OF THE COMMISSION

ye lordis grants full power and commissioun to Mr thomas gray, Johne haliday and Mr johne dawling advocats making yam coniunct syreffis of ye syrefdome of lanerk in yat pairt for cognoscing and desiding of ye samen actiounis conforme to ye said auld commissioun

and ye said Mrs thomas gray and Johne dawling being bayth personallie present made fayth that they sall lellie and trewlie rest in ye said office grupoun bayth ye saidis pairteis present askit instruments

CS15/78/31 (Mureheid c Kneland and uyeris)

The Lords of Counsall hes givin and grantit lyk as be ye tenor heirof gifis and grantis full power and commissioun to Mrs thomas gray and thomas mawer advocats coniunctlie to decyde ye said matter of molestatioun persewit at ye instance of ye said sir Johne gordoun of lochinvar and his saids tenantis agains ye saids persewar conforme to ye clame alreddie givin in befoir ye said Johne lord maxwell stewart of ye stewartrie of kirkcudbryt or ony uther clame to be gevin in be yame yranent and als to decyde in quhatsumevir caus of molestatioun to be intentit be ye saids persewaris agains ye said laird of lochinvar and his tenent concerning ye meittis and merchis of ye saids landis and ordanit ye saids juges to sitt in ye towne of edinburt and discuss ye haill pairteis defenses and allegaunces in ye said mater and efter ye discussing yrof to use ye haill forme and maner prescryvit be ye act of parlement anent molestationis with power to ye saids juges to cheis clarks servandis and utheris memberis of court neidful as thai sall think expedient and ye saids twa juges being bayt personallie present maid fayt that thai sall leilie and trewlie minister justice to aither of ye saids pairteis in baith ye causes abovewrittin ...

CS7/189/423v (Cokpuill c Lochinvar)

DEPOSITIONS

24

(written by clerk)

apud edr xxiiii julii 1600

wits producit be margt lindsay qr barclay for preving of ye last
allegaunce in ane actioun of suspensioun

john traill commoun clerk in forfair xl yeirs

allester macsoun servitor to the young laird of leyis xl yeirs

john clerk baxter xxxiiii

john wilson puderer in edr L yrs kenis nocht ye prices of capons and
claith

(signed) Maircairny

CS15/77/84 (Lindsay v Barclay)

GREAT OATH

X junii 1600

actor king & cokburne

Wam hay pnt maid fayt as he sall depone efternune

xi junii 1600

Wam hay tailyeor being sworne be his ayt of veritie upone the
pointis of the ressons of yis suspensione declaris be his gryt ayt
the frsd resson naways to be of veritie as he sall anser to
god/alwaiss declaris that the annrent of ye haill sowme is
compleitlie payit sen the dait of ye oblig

(signed) tungland

CS15/77/71 (Napier v Hay)

[from Warrants and Decreets]

xv feb

thomas young repellit the depositiounis of ye wits

apud edr xv feb 1600

wits productit be thomas young wrytar agains James mauchan for
proving prices of victual 1598 and 1599

1598 boll beir 6 pund boll meill 8 mks

1599 boll beir 10 mks boll meill 8 mks

reddens caussam suetur[?] becaus yir deponeris hes cost and fand
victuellis of the prices foirsaidis bayt of lawer and higher prices

[signed] auldbar

CS15/77/33 (Young c Machan)

[from Warrants and Decreets]

cousing Mr george, ye sall pas fra all comperance for me in the
actioun of tripill trublance persewit be the tenentis of howstoun,
to ye effect yat decreit may be given yrintil in ser James
sandelandis factors according to his titill yrof keipand ye pntes
for yor warrand

subscryvit with my hand at edinburt ye saxtene day of februar 1601
befoir ye witnesses

Jon leirmont, Jon sandelandis and nidr merschell, kneland

[signed]ffrances wauchope

CS15/78/74 (Sandelandis c Edmostone)

[from Warrants and Decreets]

points quhairupoun ye witnesses ar to be examinat

iuramentum veritatis quantitie and qualitie, to wit some of them
upliftit, fermes some kane fowlis etc

iuramentum calumnia quhidder they have just caus to deny that
umquhile george haliburtoun in his awin tyme was in possesioun of ye
saisd lands be uplifting etc quhilk is the only point of ye libell
that restis to the pursuer to prove be witnesses

last to inquyre of thir defenders quhome to they payit thayre
fermes, cains and customs fourscoir ten, ellevin, tuelf

CS15/79/74 (Halyburtoun c Fyiff)

[from Register]

...and for allegit not obeying of the command of the said lrs the said witnesses intends put him to the horn maist wranguslie becaus be the daylie pratik observit befor said lords thair aucht na expensses be modifeit to witnesses Bot to sic as compeiris & deponis at the first citatioun and thairfoir na expenses aucht to have bein modifeit to them albeit thay had deponit at the first citatioun, as thay did not, yit thay can not be hard to charge ye said persewar for ye expensses foirsaid be ressoun yat for sundrie pleasures and guid deidis done be him to thame of befor thay faithfullie promiseist to compeir frielie wtout ony expensses to be askit or cravet be thame fra him qll the finall end and decisioun of the actioun qlk the persewar is content to refer to yr aythis of veritie simpliciter

CS7/187/330v(Quhytfurd & Utheris c Mure)

[from Register]

anent or soverane lords lrs purchast at ye instance of neill mongumrie of langschaw agains marthew crawfurd broder germane to hew crawfurd of barquhirie, patrik crawfurd burges of ye burt of air, robert gilmene messinger and alexander scott allegit dwelland in ye mule of galloway

makand mentioun quhair george stewart broder germane to mathew stewart of dunduff hes privalie purchast ane deliverance of ye lords of counsall at ye instance of mathew crawfurd, patrik crawfurd, robert gilmene and alexander scott

makand mentioun quhair in ye actioun and caus of declarator persewit agains ye persewar upoun his escheit be or soverane lordis advocat and ye said george stewart donator, ye persewar comperand offeirrit him to improve ye executiouns of ye horning allegit execut agains him at ye instance of cornelius tennent advocat quhairupoun george stewart producit ye gift of his escheit and yat ye persewar causit summond ye foirsaid persouns, messinger and witnesses contenit in ye said executioun to have comperit and borne witnessing in ye said caus of improbatioun and that thai remannit within ye burt of edinburt upoun yair calling and examinatioun in ye said caus and was not examinat

and thairfoir ye said george stewart be ye deliverance foirsaid hes gottin modifeit to ilk ane of ye saids persouns ye sowme of 4 pundis as for expenses for payment grof thai have causit charge ye persewar within ane certane schort space nixt efter ye charge under ye pane of rebelloun maist wrangouslie for ye causes contenit in ye said lrs

and yit for mair abundance ye persewar consignit of befoir in ye hands of adame cowper clark to ye lords ye said expenses thair to remane qll it be decydit be yame gif he aucht to pay ye same and being sua fund to be delyverit to ye saids witnesses upoun yair sufficient acquittance to be given be yame yrupoun

and anent ye charge to ye defenders to have comperit befoir ye lords bringing ye delyverance and lrs raisit yrupoun ...to have hard ye panes suspendit

laird of langschaw persewar comperand be Jon haliday

robert crawfurd, patrik crawfurd, robert gilmene and alexander scott defenders comperand be cornelius tennent

ye lords of consent of cornelius tennent for ye defenders ordanes ye sowme of 16 pundis consignit in ye hands of adame cowper to be delyverit to neill mongumrie of langschaw

and uyr lrs gif neid beis

CS7/191/73r (Langschaw c Crawfurd)

[from Register]

... alexander rotsoun in drumnowes messinger executor of ye executiouns and denunciatiouns being personallie present quha at ye desyre of ye foirsaid pairties for ye said laird of balhagartie designit his witnesses of his executioun qlks ar not designat be ye samyn in maner under writtin

he declarit yat david frand witnes contenit in ane of ye saids executiouns sould be callit david frane in abirdene and James raw sould be callit James ross quha dwells at ye ralles of strabogie and declaris that Jon blayt was servand ye tyme of his said executioun to ye said Jon erskene of balhagartie and george fiddes was gardiner to ye said alexander duff ...

CS7/189/279v (Erskene c Balhagartie)

[from Register]

...the exceptioun given in in wreitt as said is

It is exceptit for the pairt of James neisbit agaisn the pretendit summonds of spoilyie persewit at the instance of the bairns and relict of umqle alexander lawrie, and first it will pleis the lords of counsall to be rememberit of the ance[?] that umqle James lawrie annaliet ane tenement of land to umqle eduard galbrayt for ye qlk be the contract of alienatioun the said eduard wes restand awand to umqle James the sowme of 1200mks and becaus the said umqle James lawrie wes in presoun in the tolbuith for uyr debts, he maid alexander lawrie assignay to the said sowme ql umqle alexander recouwerit the samen be ye law fra the said umqle eduard galbrayt and obtenit payment

lykas the said umqle alexander the tyme of the making of the assignatioun gave his bakband that quhensoever he recoverit the said sowme he sould wtin sex houris tharefter redeliver the same to the said umqle James, qlk band was registrat in november 1597

lykas the said umqle alexander lawrie, efter the ressait of the said sowme come to the tolbuith quhair the said James was in presoun and deliverit to him the same at ye leist sa meikle yrof as wes not debursit to the said umqle James behuiff, grupoun the said umqle James gave his acquittance, this being promittit.

It is exceptit that the said James neisbit aucht to be simpliciter assoilyeit becaus the said umqle alexander lawrie, efter he had ressavit the said sowme of 1200mks qrunto he wes maid assignay be umqle James lawrie, being be his lrs of bakband last merch 1597 and regrat november yrefter, band him to redeliver the said sowme wtin 6hours efter his ressait yrof to umqle James lawrie. [umqle alexander lawrie]come to the tolbuith the tyme lybellit quhen the said James wes in warde and thair deliverit to him the 630mks as ane pairt of the 1200mks and umqle James gave his acquittance writt and subscrivit wt his hand, the remanent of the 1200mks being of befoir debursit be the said umqle alexander lawrie in the said umqle James his effairis and swa the said umqle alexander lawrie haveing for fulfilling of his bakband deliverit the said sowme and it being mair nor notor to the haill cuntrie that nather umqle alexander nor James lawrie had moyaine nor geir bot the said sowme of 1200mks acquyrit in maner foirsaid, absolvitor maun be given fra the said pretendit summonds in respect the said alexander deliverit the said sowme for fulfilling of the bakband and umqle James gave his acquittance and the defender[James Neisbit]in helping and assisting James in ressait of the said sowme hes done na wrang

[exception found relevant]

CS7/186/300v(Bischope c Neisbit)

[from Register]

The lords assoilyies simpliciter the said william erle of angus from the points of the summons and petitioun of the persewar agains him Becaus the points of the summons wer admittit to the persewaris probatioun and the persewar in place of all uyr probatioun referrit to the defenderis aith and a dait wes assignit to him to compeir and if failyeit haldin as confest and he being plie pnt and sworne maid faith that he nevir maid ony promeis as he rememberit as was cleirly understand to the said lords thairfoir thay gave decreit absolvitor

CS7/190/157v(Ffinlasoun c Erle of Angus)

[from Register]

...it being of veritie that the persewar[william seytoun of eister disblair]compeirit befoir the syref and being sworne obtenit 3 dayis to be advysit wt his said aith during the qlk space all the materis debaitabil betuix him and georg[seytoun,defender, brother to the laird of blair]war submittit frielie to ane verball submissioun to Mr georg seytoun and william seytoun of blair his brother in quhais pns befoir the day appointit to haif giffen his aith to georg, dischargit him of the soume allegit intromettit with be the said persewar as said is be occasioun qrof he nawys compeirit befoir the syref to gif his aith

CS7/190/135v(Seytoun c Seytoun)

[from Register]

...qhilk faillye and anser togedder with haill anseris and eiks
siclyk maid and gevin in in wryt be baith the saids pairteis *hinc*
inde for fortificatioun of the said faillye or elyding yrof being at
lenth hard and understand be the saids lords efter that bayt the
saids pairteis procurators wer hard to disput thairupoun viva
voce...

CS7/186/449v(Kirklandhill c L Wedderburne)

[from Register]

...

Mr thomas hammiltoun of drumcarne pllie pnt

dame issobell hammiltoun ladie seytoun, takiswoman of the teynd scheves of the personage and paroche kirk and paroche of kilpatrik comperand be Mrs william oliphant and James donaldsoun

gavin hammiltoun of raploche pllie pnt togidder with Mrs Jon nicolsoun and Jon moncreiff his preloquitors

and yair ryts ressonis allegances togidder with dyvers articles of improbatioun gevin in for ye pairt of the said advocat and ladie seytoun, and sundrie ansers maid yrto for ye pairt of ye said gavin hammiltoun, and ye saids pairteis and yair procurators being hard to ressoun viva voce yrupoun in presens of ye saids haill lords and yai yrwith being ryplie advysit, the lords ordanes the foirsaid tak producit be gavin hammiltoun of raploche to mak na fayt in iudgement nor outwith iudgement in tyme cuming agains the said ladie seytoun becaus ye aucht article of improbatioun given be ladie seytoun anent ye antedaiting of ye said tak and also ye feird article anent ye obtening of ane tak be ye said ladie seytoun befoir yat ye said gavin hammiltoun daitit ye said tak, qlk ye persewar offerit to preve to have bene daitit within yir 9 monethis or yrby, togidder with ansers maid yrto in presens of the lords,

and the said gavin hammiltoun being desyrit to give his awin declaratioun yrupoun, quha being pllie present declarit and confessit yat ye foirsaid tak was deliverit to him be ye said claud lord of paslayin 1577 blank in ye day monethand yeir, and being blank delyverit to him he fillit ye samyn blank be ye advyse of sic lawers as he socht counsall of in 1599 and daittit the samyn as the samyn is now producit viz 1 September 1587...

CS7/189/82v (Lady Seytoun c Hammiltoun)

[from Register]

... the lords hes assignit to Jon chapman 24 Junii for improving of ye acquittance

and to yat effect ordanes him to have lrs to summon ye noter subscriver of ye acquittance and ye witnesses insert yrin [lists them]and david hammiltoun noter, James hammiltoun of bothwell and ... to summond uther witnesses and produce writs and for the lords better informatioun in ye said mater ordanes ather of ye pairteis to produce sic writts as hes bene writtin and subscrivit be ye said david hammiltoun to ye effect thai may compair his handwrit and subscriptioun with ye said acquittance productit

and forder ye says lords declairis that efter yai have tane sufficient tryell anent ye veritie or falsett of ye said acquittance thay will have consideratioun of yis allegiance underwrittin proponit agains ye validitie of ye said discharge

viz that it is statut and ordanit be act of parliament 1579 that all writts of importance to be subscrivit yrefter sould be subscrivit be twa notars and for famous witnesses and ye said acquittance is onlie subscrivit be ane noter befoir twa witnesses and ye same is efter ye said act of parliament and ye said 300merks is ane matter of gritt importance to Jon chapman being ane man of mein as ye lords may consider be syt of him at ye bar rank and degrie ...

CS7/189/273v (Chapman c Pitcarne)

SEEKING SUSPENSION OF LRS OF HORNING FOR CONSUMING FOUR DIETS IN ONE

[from Register]

...makand mentioun guhair Jeane nasmyt and Jon tuedy allege that on 20 december last they obtenit ane decreit of removing befoir the syref of peiblis his deputs agains the said persewar[William Veitche]ordaning him to flit fra all the aikers of land of the land of frankisland beand besyd the burt of peiblis ... to remove ... to the effect the said Jeane and hir spous may enter yrto, hes yrupoun causit raise the syreffis precept and be vertew yrof intends cause remove and output the persewar maist wrangouslie

becaus the decreit is given and pronuncit upoun the first day of comperance qlk was 20 december, the said william veitche comperand the samen day be thomas veitche his procurator quha producit defenses in writt for william veitche qlk Jon tuedy anserit than instantlie and the more without ony citatioun of pairtie, pronuncit his interloquitor upoun the saids defences and anser and repellit the said persewaris defensses maist wrangouslie and particularlie ane speciall last defens na ways elydit be ony anser and swa proceidit and consoumeit for dyets in ane

viz gave in defences, anser, pronuncit interloquitor yrupoun and gave said sentence and decreit in sam matter decerning the said william to remove, quha hes na power to consoume thrie or for dytes in ane, the pronunciar of the said decreit haifing mareit the persewar his sister dochter and Jon tuedy being syreff clark himself, and the clark sittand in judgment ye tyme of giving of the decreit was never creat clark nor ye deput had na power to creat ony clark

... the said sereff deput and the said Jon tuedy his clark being thair sittand in judgment with him maist wrangouslie and particularlie ressavit ye production of the persewaris infeftment and seasing and to heiring defensses proponit agains the pndit pursuit and sua pronuncit decreit albeit it was onlie the first dyit

thairfoir the pndit decreit aucht to be suspendit simpliciter upoun the persewar ...

the lords finds the decreit obtenit at the instance of Jene nasmyt and John tuedy agains william veitche and all precepts and lrs raisit ordorlie proceidit and to be put to executioun notwithstanding the reassouns of suspensioun ...

CS7/188/175r (Tuedy c Veitche)

[from Register]

... the lords reduces annulls the pndit decreit given and pronuncit be the said syref deput [of Peebles]agains the complener at the instance of the defenders and declaris it null and ordanes mathew hay syref deput to be punischit in his persoun and guidis conforme to the laws of the realm for the wrangous and partiall proceeding in the said mater and giving of the said pndit decreit becaus the day of the giving and pronunceing of the said pndit decreit the said william vaitche[pursuer]comperit be thomas vaitche quha producit defenses in write for the pairt of the said william to the qlks defenses the said John tuedy [one of defenders]pnt in iudgment maid anser and the said sereff deput immediatelie yrefter pronuncit interloquitor in the said causes be repelling of the said haill defenses and yrby confoundit thrie dyetis in the processes contrair all forme hitherto observit be ony inferior juge wtin this realm qlkis are verie dangerous and preposterous forme of doing gif the samen be sufferit, for albeit ane procurator or ony persone in ane uyr manis name befoir ane inferior juge compeir and produce sundrie defenses yit be production yrof *functus est officio* that day and the maist that the juge can do that day is to assigne ane uyr day to the persewar to anser

and albeit the said persewar wald anser that samen day yit the juge can naways pronounce interloquitor upoun the said defenses and anser without ane new situatioun, for be that forme of dealing all occasioun of eiking and reforming of the first defences, qlk is the greatest privilege that ane pairtie hes befoir ony inferior juge is takin away and that kind of judicatur be confounding of mony dyetis in ane is dangerous and perellous, that the same can naways be sufferit in ane reformit commounweill

and speciallie can naways be sufferit in this judicatur of the syrefdome of peblis in favouris of the said John tuedy quha was and as yit is ordinar syreff clark of the said syrefdome

and the said mathew hay syref deput hes mareit the said John tuedy his sister dochter and they deput ane uyer syreff clark that day for serving of the said courte[?]they haifing na power to mak ony deput

qlk reassoun and cais the lords fund relevant ...admittit to the persewaris probatioun he instantlie verefeit the samen sufficientlie be production of the foirsaidis processes

thairfoir the lords reducit the samen and ordanes lrs to be direct to charge the defenders upoun 6 days to pay to the persewar £10 wt 40s ...

CS7/186/402r (Vaitche c Twedy)

[from Register]

...all[these documents]to have bein considderit be the lords of counsall to be retreittit becaus he was nawayis laulie chargit nor summondit to compeir befoir his matie becaus the pndit charge was nather subscrivit nor stampit be umgle Johne simsoun as is requyrit be act of parliament speciaialie the samen being nawayis stampit be the stamp of the said messinger beiring the first tua letteris of his name and surname, lykas the said pndit charge is not yit stampit nor subscrivit be the offir exer yrof nor na apperance of ony stamp to haif bein upoun the bak of the said lrs or at the end of his executioun

CS7/190/51v(Wauchaip c L Thesaurer)

[from Warrants and Decreets]

... the puir man ye defendar craves justice of yor lords for godis saik according to ye equitie and ryt reasones of his caus as yor lords will anser to god in ye latter day of judgement preyand yor lords to remember yat god makis compt of ryteous judges as of godis and termis thame as godis in this haly world

CS15/78/81 (Vaus c Vaus)

[from Register]

...Becaus be the laws and pratik of this realme it is requyrit guhen ony persone is chargit be vertew of lrs in ye 4 forms rasiit upoun ane decreit of removing that he be apprehendit be everie ane of the four chargeis ayer personallie or at his dwelling place speciallie designit and ane copie of the said lrs deliverit to the pairtie or to his wyffe or sundrie uyris in his name or uyerwayis assignit upoun ye yett or dur of his dwelling place efter knoking sex tymes therat

CS7/190/109v(McElvyne c Richartsoun]

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PROCEDURE FOR TRANSUMING OF INSTRUMENTS OF SAISINE FROM NOTARY'S
PROTOCOL BOOK

[from Register]

...the lords of consall ...hes transumit the instruments of seasing
abovewrittin of the above writtin lands in the foirsaid prothogoll
and ordanes the same to be put in dew forme under the signe and
subscriptioun manual of the clark of register or his deputs to be
deliverit to the nobill lord, complener, under his ressonall
expenses

and declaris the said transumptis to have als great fayth as gif the
same had bene extractit subscrivit and deliverit to the nobill lord

...[tenor follows in Latin]...

becaus the defenders wer summond ...with certificatioun etc and not
comperand except grissell bontene and hir spous qha wer comperand be
cornelius tennent

grupoun the lords ...upoun the legalitie of ...of his hand writ and
specialle of the hand writ of the instruments of seasing, that the
said umquhile alexander dowshall was noter, was legall noter
unsuspect ... and that the same instruments war the proper hand writ
of umquhile alexander dowshall and subscryvit with his awin hand

thairfoir the lords transumit in maner abovewrittin

cs7/186/472R (Erl Mar c Bontyne)

[from Warrants and Decrees]

... warrant to ... to charge robert hammiltoun to pay to the complenar[George Dowglas sometime in Bangor]sex scoir punds as principall with £3 6s 8d for expenses of pley efter the forme and tenor of or commisseris decreit and precept within 3 dayis nixt efter he be chargit under all hiest pane and charge that efter may follow

the quhilk 3 days being past and robert hammiltoun disobeyand, that ye charge him yit as of befoir to content and pay within uyr 3 dayis under pane of warding of his persone

the quhilks uyr 3 dayis being bypast and robert hammiltoun disobeyand, that ye charge him yit as of befoir to pay or ells that he within the samen 3 dayis pas and enter his persone in ward within or castell of dunbartane thairin to remane upoun his awin expenses ay and quhile he haif obbeyit the command of thir or letters

and to be fred be us tharfra under the pane of rebellioun and putting of him to or horne

and that he cum to or secretar or his deputes keipars of oure signet and ressave or utheris letteris for his recept in ward within or said castell

the quhilks last 3 dayis of all being bypast and robert hammiltoun disobeyand and nocht fulfilland the command of thir or lrs nor yit entrand his persone in ward within or said castell as said is, that ye incontinent yreftir denunce the said robert hammiltoun or rebel and put him to or horne and escheit and inbring all his moveabill guidis to or use for his contemptatioun

and immediatelie efter yor denunciatioun that ye use the haille ordor prescryvit be or act of parliament and ordinance maid yranent according to justice becaus the saids lords hes sene or said commisseris precept dewlie execut and indorsit as ye will anser to us yrupoun ...

CS15/78/64 (Hammiltoun c Dowglas)

[from Register]

the qlk day the lords hes assignit to Mr Johne Johnstoun heritor of ye tenement of land the 15 day of July nixt to cum to produce in thir pns all his writs he will use for proving of ane allegiance proponit be him in ye actioun persewit agains him at ye instance of michael pumphra indwellar in edinburt, son and air of umquhile elizabeth mckalyeane, to heir and sie lrs decernit be decreit of ye lords of counsall to be direct to messingers of armes syreffs in yat pairt to poind and distreinyie ye guidis and geir being or yat sal happin to be upoun ye ground of ye tenement of land pertening sumtyme to gilbert knox burges of edinburt lyand in ye said burt on ye nord syde of ye hie streit yrof boundit in maner lyt and als furt of ye bak land of ye said gilbert lyand contigue to ye said uther tenement under and above with pertinents or ony pairt yrof for payment to michael pumphra of ye annuelrent of ten punds of all yeirs sen ye deceis of umquhile Mr thomas mckalyeane be ye space of 19 yeirs extending to nynescoir ten punds and yeirlie in tyme cuming

and failyeing of guidis moveabill yrupoun to appryse the ground ryt and propertie yrof for ye samyn annuelrent

qlk allegiance is contenit in ane act maid be ye lords 13 december last ...

CS7/189/208v (Pumphra c Jonstoun)

[from Register]

...Mr william andersoun syref clerk of syrefdome of aberdein has be gift of his matie. to him, his airs and assignayis the escheit of the guids moveable and unmoveable qlk pertenit to Mr alexander fraser or qlk he hes or sall acquire during the tyme of his rebelloun pertening to his matie. and at his gift throw Mr alexander being laulie denuncit rebel and put to the horne on 9 apryle 1597 be vertew of lrs direct at the instance of Jon Leslie of balquhane than seryf of the syrefdome of aberdein for not randeriing and delivering to him the haill registrie buiks and scrollis of the said syrefdome

or throw being of the said Mr alexander ordorlie denuncit rebel and put to the horne be vertew of uyr lrs at the instance of george erle of huntlie lord gordoun and badyenoche syreff prinll of the said syrefdome for not making compt rekning and payment to his maties chekker befoir the lords yrof of the nonentresses blenches releves doubling of few fermes uyris casualties and dewteis fallin wtin the said syrefdome yeirly sen 1581 for the said george erle of huntlie his releif yrof

or throw being of Mr alexander fraser ordorlie denuncit rebel and put to the horne upoun 8 Februar 15-- be vertew of uyr lrs direct at the instance of Mr Johne skene clerk of registrie for not randeriing and delivering to him of the authentik doubills and copies of the haill registeris of the said syrefdome contening the registratiounis of all inhibitiounis interdictiounis hornings and relaxatiounis to remane in his maties. regrie

or throw being of the said Mr alexander being denuncit rebel and put to the horne upoun 22 october 1595 for not finding sufficient cautioun and sourtie acit in the syref court buiks of aberdein yat he suld compeir befoir the said syreff and his deputs yrof to underly the law for the crewel and unmerciful murther and slauchter of umgle [BLANK]hendersoun committit be him

or throw being of Mr alexander ordorlie denuncit rebel and put to the horne at the instance of ony uyr persone or persones for qtsumevir caus preceeding the day and dait heirof qrby his escheit mak vaik or fall in his hines hands togidder wt the escheit of the lyfrent of all lands heritages etc males etc qlk pertenit to Mr alexander and now pertene to his matie. throw Mr alexander being denuncit rebel and put to the horne for the above ressones and remaning yrat attour yeir and day unrelaxt qrthrow he hes tint his lyfrent as uyris lrs under the privie seill proportis

CS7/190/283v(Andersoun c Fraser)

[from Warrants and Decreeets]

Jeane sandelandis and hir spous [frances wauchope son to umquhile archibald wauchope of niddrie merschell] hes yrupoun purchast or uyr lrs be deliverance of the lords and causit charge the complener [Andro Edmostoun of yat ilk] and his cautioner [Mr Alexander King, advocate] to mak payment of 1000 merkis restand awand to thame maist wrangouslie

becaus it is speciallie provydit be act of parliament yat ye bairnis and posteritie of frances sumtyme erle bothwell and sic as wer pertakeris with him in his tressonable attemptatis agains us and forfaltit yrfoir suld enjoy na landis nor rentis nor bruik na uyr commodities within this realm

and trew it is that archibald wauchope father to frances wauchope, spous to Jeane sandelandis as assignay was airt and pairt of all the said tresson attemptaris committit be the said sumtyme erl and sua unable to bruik ony benefice or commoditie and consequentlie can have na ryt to the said sowme at ye leist na benefice nor privilege of onie law to charge the complener nor caus to mak payment bot the samen pertenis to us

and the said jeane can be in na better estait or conditioun nor the said frances hir spous be ye lawis of our realm

and in cais they micht charge the said complener and his cautioner for payment of the sowme foirsaid quhilk is grantit for the resson above specifeit, yit it is trew yat nather ye said Jeane and the said frances hir spous ar of sic lauchful aige and yeiris yat yai may mak and perfyte to the said complener and his cautioner ane sufficient acquittance and discharge yrof

and the said frances can have na tutors nor curators in respect of his forfaltour foirsaid, at ye leist inhabilitie declarit in or said act of parliament in respect quhairof or uyr lrs are wrangouslie execut

and yit for obedience the complener hes fund caution in cais it be fund thai aucht [to mak payment]

thairfoir or uyr lrs and effect yrof suld be simpliciter suspendit

[...the lords finds the lrs orderlie procedit in respect of ye ressones and in respect of yis uyr letter subscrivit be ye king and als in respect that william sandelandis of slamanno is becum cautioner for the prisonaris[?]/petitioners[?]that ye laird of edmostoun salbe harmles and skaithles of yam at yair perfyte aige]

CS15/78/16 (Edmostoun of that ilk c Sandelands)

[from Register]

...the said uyr generall lrs are generall not condisceding in particular ather upoun the persewaris name or teinds above specifeit or yit the quantitie of victual foirsaid, lyk as the said persewar is generallie chargit yrwt be delyverance to him allanerlie of ane copie of the said uther generall lrs and na forder, lyk as thair is na liquidatioun maid of the pryces of the foirsaid victual

thairfoir the said uther generall lrs aucht to be suspendit upoun the persewar

nottheles he hes fund cautioun for obedience of the haill charges or ony thing contenit in the said pndit charge grin the lords sal find the said persewar justlie addetit and astrictit to the said James schewane efter discussing of the premisses according to the saids lords decllarator to be given yrupoun...

CS7/192/242r (Schewane c Collace)

[from Register]

... becaus ye pndit decreit is given agains ye persewar onlie as
cautiouner and sourtie for umquhile Joon lockart and yat for null
defence and non comperance **he never being lawfullie summonndit** to
yat effect and had he comperit in ye first instance he had
sufficient ressons to have stayit ye geving of ye said decreit qlks
ye said persewar will heir supply presentlie in ye secund instance
...

CS7/191/1r(Forestar c Lockart)

THE WAND OF PEACE[a symbol of relaxation from an unjust sentence of
outlawry; Jamieson]

[from Warrants and Decreets]

... we suspend or uyr lrs and proces of horning and discharge or
officers in tyme cuming ... and gif he be ells put to or horne that
ye in or name and authoritie relax him yrfra, ressave him to or peax
and gif to him or ony uyeris in his name ye wand yrof quhile the
last day of the said monethe of Julii nixtocum that ye veritie be
knawn according to justice

becaus the lords of or counsal hes sene the discharge and gift of
escheit abovewrittin ...

CS15/78/55 (Menzeis c Wilsoun)

[from Register]

...becaus of veritie be the acts and laws of the realme it is specialle statut that all persones saucting lawburrows suld give yair aithis to ye offir executor of sic lrs that they direct the persones competent upoun bodilie harme befoir the same be put to ony forder executioun and thair aythe being taine the gryttest pane under the quhilk ony erl or lord suld be chargit with is £2000, everie gryt barroun £1000, frie halders 1000mks, fewers 500mks, unlandit gentilmen 200mks, and everie tenant man 100mks as in the acts of parliament

CS7/186/253v(L Lumplum c L Yester)

GILBERT LORD SOMERVELL DENOUNCED REBEL FOR THE FOLLOWING REASONS[a
summary]

[from Register]

Gilbert Lord Somervell, his servands etc has at the tymmes
underwrittin to wit

FIRST

the said gilbert lord somervell be him his servands complices and
uthris in his name and causing and commande as said is ... sen 23
apryl 1598 qlk is the dait of the charge, be his lrs of lawburrows
at the instance of James Lockart of Ley contravenit the tenor of
the samen as upoun 2 august 1599 gilbert lord somervell spoilyeit
ane grey meir pertening to Johne forrest, servant to James lockart
and so hes incurrit the pane of £1000

SECUNDLIE

on 13 november 1598 spoilyeit furth of the lands of eistforth ane
blaik naig from the lands pertening to James Lockart from his tenant
and so gilbert lord somervell hes incurrit the pane of £1000

THRIDLIE

on 15 december 1598, spoilyeit fra Johne forest in eistforth 3 ky and
ane ox so hes incurrit the pane of £1000

FFERDLIE

on 15 februar 1598 spoilyeit fra Johne forest 2 ky

FFYIFTLIE

on 3 august 1598 spoilyeit fra Johne forest ane irone gridell

SEXTLIE

on 10 october 1599 spoilyeit fra Johne forest ane blak kow
and on 7 and 13 october 1599 spoilyeit ane pan
and on 20 october 1599 spoilyeit ane uyr pan of bras so hes incurrit
the pane of £1000

SEVINTHLIE

on 9 apryl last spoilyeit fra Johne forest ane cloik of scottis
claith so hes incurrit the pane of £1000

AUGHTLIE

on 1,2,...14,15 may august november yeirlie 1598 & 1599 he hes
contravenit ... and in may 1600 he upliftit fra the tenentis of
James lockart heritable fear be his infetment and seasing the thrid
corns cattle and guidis and ilk ane of thame to pay to him the fermes
multures and dewties qlk suld have bein payit to James lockart
fra[3]tens. of grange 4mks ilk moneth of may, august and november and
in may 12mks of meil fra ilk ten.
fra[6]tens. of of mostit & grenesyde
fra[2]tens. of cleuch
fra[7]tens. of hywode & ironkanes
fra[5]tens. of stokwode
fra[5]tens. of auchingray
fra[5]tens. of eistforth
fra[5]tens. of eistersidwode
fra[4]tens. of crosthill
fra[2]tens. of puill
fra[6]tens. of tarbrax
fra ilk ane £8 of mail yeirly, 1598 & 1599 wt 4mks in may, 4mks in
august, 4mks in november & in may last



siclyk gilbert lord somervell hes wrangously upliftit
 fra[4]tenentis fra throwburne 4mks fra ilk in may 1598 & 1599
 and in august november and may last for yr mail of land qlk pertenit
 to James lockart siclyk extending to 7 several monethes ...
 he hes incurrit the pane of £1000 extending to the number of 54
 persones, in money to the soume of 3 scoir aughtene thowsand punds

NINETHLY

fra tenentis of grenhaltoun 4 bolls victual yeirly betuix yuill &
 candilmes 1598 & 1599, so hes incurrit the pane of £1000 extending
 to £4000

TENTHLY

gilbert lord somervell spoilyeit fra the tenentis ilk ane the guidis
 and geir pertening to James lockart in 1598 & 1599 in apryl and may
 ilk ane wer compellit to teil tua days and to harrow and in
 september and october to mak hay to 2 several days in july and ane
 days leding of corn in october
 and ane day in october or november at the houses mending
 ane day in apryl at the mending of the moss briggis
 ane day in october at the gelder leding
 and upoun 18 apryl at the lyme leiding
 and yeirly ilk ane, 6 several tymes in hardage careage and fruit
 raiks to the qlk service being a pairt of the dewtie of the lands
 abovewrittin to the heritor yrof

the contraventiounis extend to xxiiiichtriescoir four thowsand punds

ELEVENTHLY

gilbert lord somervell in november 1599 spoilyeit fra westforth
 fra[3]tenentis ane kow and ane oxe

TWELFLY

gilbert lord somervell hes contravenit the tenor of the decreit of
 lawburrows in the possessioun of the 30s lands of eistforth and hes
 incurrit the pane of £1000 for ilk day extending to ?thowsand punds

THIRTEENTHLY

gilbert lord somervell upoun the penult day of apryl 1598 spoilyeit
 fra James lockart the duirs windows & tymmer of the houses of the
 30s land and 6 milk ky
 and fra James purdie tenent of James lockart of the lands of
 eistforth ane boll of corne and ane half boll beir
 and in apryl and June 1599 fra [2] tenentis of James Lockart at 6
 sundrie tymes certane pots pans coveringis and uyr insicht, £1000
 for ilk ane of the contraventiouns extending to £4000

FIFTEENTHLY

James lockart having a 40s land of westforth gilbert lord somervell
 his servants etc on 10 july 1599 occupeit the 40s land ilk day £1000
 extending to iicxli thowsand pund

SEXTEENTHLY

James lockart being infest in lands of lempettis laires and wodris
 with the castell and tor of tuedlies[?]and be vertew of ane decreit
 of removing ottenit was enterit to the possessioun upoun 8 apryl
 last, gilbert lord somervell wrangly occupeit and withald the
 castell and fortalice alreddy given in the decreit, pane of £1000
 extending to thrie scoir aucht thowsand punds

SEVENTEENTHLY

51₃

gilbert lord somervell has on 7 apryl last ... allane lockart ane stirk servand, servant to James lockart, in the toun of lanerk struck him on the heid wt ane drawin sword of purpois to have bereft him of his lyff, than being driesterk[=dryster,i.e. in charge of drying grain] servant to James lockart, pane of £1000

EIGHTEENTHLY

in may 1598 gilbert lord somervell his servands strak and woundit thomas gairdine servant to James lockart woundit him in the schalder bane to the confusioun of his bluid he being stewart and servant to James lockart, pane of £1000

NINETEENTHLY

gilbert lord somervell in apryl and may 1598 on James lockartis lands of fulwode on 20 several days in the lands of fulwode struk 3 tenentis wt guns, pistolettis & quhingeris, ilk ane of thame being men tenentis and servants to James lockart, pane of £1000 extending in the haille to £20000

TWENTIETHLY

in apryl and may 1598, gilbert lord somervell his servands come to the dwelling houses of lardie[?]and at sundrie tymes in 6 monethes brunt and siclyk spoilyeit of the tenentis of cattle guidis and geir and compellit thame in may last to mak payment of mails [2 in amphalaw, 1 in fala, 3 in cauldaw, 1 in grenescheillehous, 1 in calingdene, 1 in hairschaw, 1 in blakgait, 1 in caitlaw, 7 in carnehoip, fra ilk ane 2mks] ...so gilbert lord somervell hes incurrit the pane of £2000 for ilk ane of the tenentis fra quhome he hes wrangouslie wrest the said mails extending to the soume of xxMlib [in margin xxviiiMlib]

and lykways gilbert lord somervell hes continuellie sen dait of charge contravenit...

and James lockart hes causit 10 februar arreist the guidis pertening to gilbert lord somervell to wit

8 staks aittis estimat to 16 scoir bolls aitts

3 staks beir estimat to 3 scoir bolls

ane stak of hay estimat to 40 day wark of hay being standing in the stakyaird of the roumes of lampettis

in the barneyaird of wodend 4 staks aitts estimat to 8 scoir bolls aitts

2 staks beir estimat to 40 bolls beir

notwithstanding grof gilbert lord somervell has wrangouslie daylie sen the charge intromittit with the cornes guidis and geir and so hes incurrit the pane of 10 thowsand pundis for ilk ane of the said days fra the making of the arreistment extending to ane xxvidays and is thairfoir to the sowme of **tua hundret fyftie tua thowsand lib** [writtin in different hand]money of the realme

and thairfoir aucht to mak payment of the samen, the ane half to his hienes thesaurer and the uyr half to thomas gairdiner cessiouner and assigney qlk gilbert lord somervell refuses to do without he be compellit

...the lords finds he has contravenit the tenor of the act ... and thairfoir ordanes him to mak payment of **threttie sex hundreth fyftie thrie thowsand pundis** the ane half to his maties thesaurer and the uyr half xviiictuentie sex thowsand and fyve hundreth libs to thomas gairdiner

PETITION BY DEFENDERS COMPLAINING ABOUT THE EXPENSE OF WAITING IN 52
EDINBURGH UNTIL THE CASE IS CALLED

[from Warrants and Decreets]

my lords of counsall unto yor Lls humblie menis and schawis yor servitors williame rait of halgreine and robert rait his son that quhair thair being ane actioun intentit and depending befor yor Lls at ye instance of patrik wod of bonytoun agains us for certane caynis allegit pertening to him furth of or lands of conansyth

upoun ye quhilk actioun we haveand all the last sessioun continewallie awaittit and dependit in this towne upoun or greit expenses, culd not get the samen callit and put till ane point in respect yor Lls ordanit ye samen to be hard in the innerhous in yor Lls haill presens

and now seeing that we ar presentlie in this towne cum to await upoun the defence of the said caus and that ye samen is ane mater of small importance greitlie hindering us fra oure utheris necessars to lang to await yrupoun

thairfoir we maist humblie beseik yor Lls ather to call the said mater in yor Lls presens and gif or pairtie will insist in ye persute yrof, to put ane end thairto or[?]gif to ane certane day in this or the nixt sessioun as yor Lls thinkis expedient that we may cum to depend yrupoun sua that in the menetyne in or absence the samen be not callit

and yor Lls anser maist humblie we beseik

[signed]hammyltoun

OUTSIDE

Apud Edr xviii nov anno Mvict

the lords cont all proces in yis mater qll the fyft day of feb nixtocum

[signed]Montrois canrius Lpd
quhittinghame

xix nov 1600

this supplicatioun and deliverance intimat in ye utterhous to Mrs thomas rollok and wam oliphant baith the pairteis procutors

CS15/78/97 (Laird of Bonytoun c Laird of Halgrein and Robert Rait his sone)

[from Warrants and Decreets]

warrant to ...

shown to us be Mr thomas hammiltoun of drumcarne advocat etc and Mr rannald bayne ...

to charge thomas broun eldar to compeir penult maii to sie and heir him decernit to have done wrang in ye maisterful cuming to robert balloch and deforcing him in ye executioun of or uther lrs

thairfoir thomas broun to heir him decernit to be punischit in his persone and guidis with all rigor in exempill to uyris to be escheit and inbrocht, the ane half yrof to or use and the uyr half to Mr rannald bayne as pairtie grevit and hurt be ye deforcement and forder his persone to be wairdit for yeir and day and langer during or will

makand intimatioun to thomas broun elder that quhydder he compeir or not ye saids day and place with continewatioun of days we will proceed and minister justice in ye said mater in sa far as we may of ye law, to be callit sommerlie upoun 6 dayis warning but dyet table or continewatioun of uther summons

becaus this actioun is accessar to the forenamit registrat obligatioun, followis and dependis yrupoun as ane pairt of the executioun yrof

attor that ye charge ... witnesses ...

Edr 19 Maii 1599

ex deliberatione
Jo; williamsone

xxii maii

[endorsation]

xxii maii[patrik lavand] ;xxvi maii [Johne bartane]

[in margin]

ult maii 1599

actor king alter haliday to sie ye pecis

[outside][= end of case]

ultimo Julii 1600

partibus ut in act the lords findis thomas broun defender hes provin his allegeance sufficientlie and thairfoir assoilys the defender simpiciter from the haill pointis of the said principal summons and modifeis tene lib of expenses and xl s to ye lords

CS15/79/80 (Broun c Bayne)

[from Warrants and Decrees]

... to be callit summarlie upoun 6 days warning but dyet tabill or
continewatioun of uyer summons becaus the samyn is assessor [Thomas
Young writer to or signet] to ye saids lords of or counsall yair
decreit abovewrittin as ane delyverance grantit yrupoun beirs ...

ex deliberatione
[signed] Jo buchannan

CS15/77/33 (Young c Mauchan)

[from Warrants and Decreets]

...our will is heirfor and we charge yow that ye peremptourlie summond, warn and charge ye said patrik hume of argattie executor at ye leist intromettor with the guidis and geir of ye said umquhile robert halden to compeir befoir us and or counsall at edinburt or quhair it sall happin us to be for ye tyme the fyftene day of februar nixtocum gif it be lauchful and failyeing yrof the nixt lauchful day yrefter following in the hour of caus with continewatioun of dayis to anser at ye instance of the said maister Johne conynghame of fynnik,

that is to say the said patrik hume executor at ye lleist universal intromettor foirsaid to heir and sie him decernit be decreit of ye lords of counsal to mak compt rekning and payment to ye said maister Johne of the said umquhile robert halden intromissioun with the said complineris[Mr John Cunningham]lands leving annuelrents airschip guidis cornes cattell and uyeris propertie appertening unto him according to justice and for coistis and skaithes to be sustenit be ye compliner thairthrow

and farder to anser at his instance that quidder he compeir or not the said day and place in the hour of caus we and the saids lords of oure counsall will proceid and minister justice in ye said mater insafar as we may of law

to be callit summarlie upoun tuentie ane dayis warning but dyet tabill or continewatioun of uyer summonds in respect that this is ane mater onlie for compt and rekning of ane minoris leving and sa in effect alimentar quhairin he aucht to have summar proces conforme to ane delyverance of the lordis of oure counsall past yairupoun ...

[CS15/78/57 (Cunninghame c Hume)]

[from Warrants and Decrees]

My lords of counsall unto yor L humblie menis and schawis I yor servitor Johnne ramsay in kaidischeill that quhair in ye mater advocat to yor L persewit be me of befoir aganes Robert brountfeild of marsworth[sic]of grenelaw, alexander brountfeild his bruyer, stevin brountfeild of grenelawdene, adame brountfeild, patrik thomesoun in grenelaw, alexander brountfeild in eistfeild, niniane fouldes messinger, william broun in haymouth and Jon robesoun in greinlaw befoir ye syref of berwik and his deputles

tuiching ye decerning of yame to haif done wrang in ye wrangous spoliatioun and away taking fra me ye tyme lybellit of divers and sundrie guids geir cornes cattell and uyaris lybellit of ye avails quantiteis and prices specifeit in ye lybellit precept raisit yairupoun

the saids defenderis proponit ane exceptioun peremptor quhilk being admittit to yr probatioun thay for preving yairof productit ane assignatioun and intimatioun yairof quhilk I offerit me to improve **as fals and feinzeit** in yame selffes

yor L assignit to me ye ferd day of marche instant to yat effect and I having usit diligence againes ye witnesses insert in ye samyn and notaris subscryveris yairof thay ar to say George nesbit servitor to ye said alexander brountfeild, adame hutchesoun servitor to david lyndsay sone to ye erle of craufurde, wam waichman servitor to ye said adame brountfeild in ye dame, ye said Niniane fouldes notar wrytar of ye bodie of ye said assignatioun, James cocherane wryter of ye dait and ye witnesses convenit yairintill, James yule servitor to ye said Robert brountfeild of marsworthe

I can nawayis get ye samyn callit theirfoir I beseik yor L that ye will call ye said actioun in ye Innerhous in yor L hale presens for uyairwayis that ye will direct ane of yor nowmer to call ye samyn in ye Uterhous and assigne to me ane new terme for doing of forder diligence

and yat ye will ordaine ye saids defenderis to present ye forenamit persones yair servitors and ye said niniane fouldes and James cocherane at ye samyne terme to be examinat in ye said mater seing ye saids defendaris ar impediment to yair comperance

according to justice and yor L anser

[signed]RKene

[outside]

Apud Edr sexto martii anno Mvict

the lords ordanis my lord clerk of regr to call this mater and put the samen to ane point in ye uter hous

[signed]Fyvie I p D

CS15/78/105 (Ramsay c Bruntfeild)

[from Warrants and Decrees]

My lords of counsall unto yor Ll humblie menis and schawis maister thomas hammiltoun of drumcarne and Mr ronald baine in edinburt that quhair in ye caus persewit be us befoir yor Ll agains thomas broun elder mercheand burges of edinburt anent the heiring of him to have violentlie and maisterfullie deforcit his majesteis messinger at ye yett and dwelling hous of Mr walter mubery upoun the xv day of maii lastbypast and deforsing him in executioun of his office

and thairfoir to be decernit to be punischit in his persone and guidis conforme to ye lawis of this realme for stopping of the quhilk persuit thair wes ane peremptor exceptioun proponit for ye pairt of ye said persewar admittit to his probatioun and ye xvi day of Julii instant assignit to him for preving yrof **onlie for drift of tyme** and stopping and hindering of justice as yor lords may preve be ye words of the said pndit exceptioun insert at lenth in yor Ll act to wit that ye said thomas broun is ane man past threscoir xv yeirs of eage and yat yrby he wes not habill to deforce the said messinger

secundlie that [he] aucht nawayis to have execut his office within burt and maid open durris without concurrence of ye burrow officers as ye act concerning ye said allegiances producit beirs

be inspectioun of the quhilkis yor Ll may preave that ye said pndit exceptiouns ar onlie proponit for drift of tyme and stopping of justice viz that ye defendar wald not deforce ye messinger becaus of his eage and inhabilitie and the secund allegiance that he aut not to have execut his office within burt without concurrence of ye toun officiars and yrby meaning to mak ye burt and ye officials superioure to ye king and auctoritie and his messingeris

therfoir we beseik yor Ll to have consideratioun of the premisses and yat ye lyk[?] novaltie to schist and delay justice hes not bene hard mainlie upoun sic frivoll allegiances that not onlie for ye caus herof bot for the sampills saik that yor Ll will giff command to ye lord sittand in ye **utter hous** to call us pairteis and or procurators at ye bar and to heir us in the said mater to say agains the said pndit exceptiounis qroir ye samen sall not be proponit or usit for stopping and hindering of or said just persuit and to stop ye ressaving of ony probatioun of the saids pndit allegiances quhile we be hard and ye veritie ressonit and tryit according to justice and yor Ll anser

[signed] Schort etc

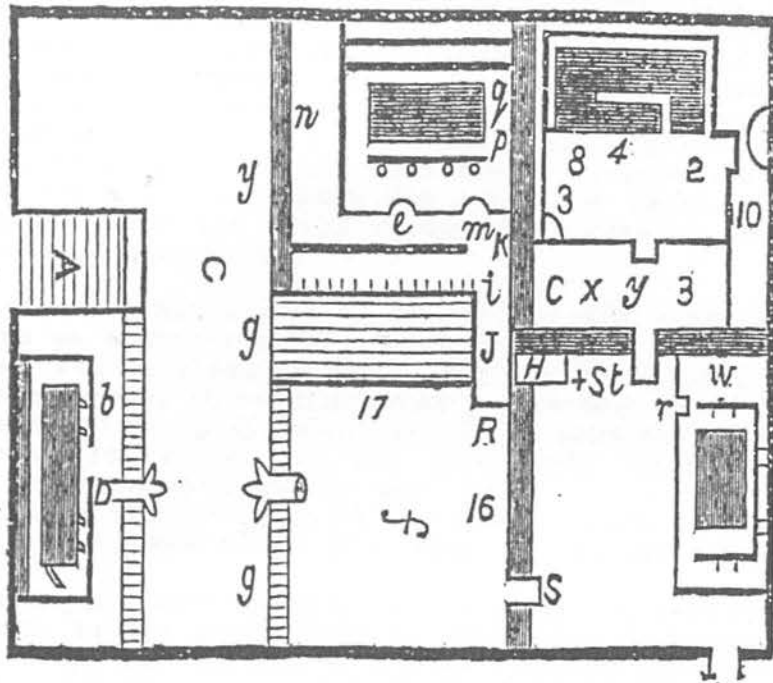
[outside]apud edr xvii Julii anno ct Lxxxxix

the lordis ordanis the lord in the uterhous to call yis mater and heir the pairteis yrin and discharges the ressaving of ony probatioun in the meantyme

[signed]Fyvie I P D
Edzell

CS15/79/80 (Browne c Bayne)

The Courts.



a, the stairs up into the Courts; b, the commissary court; d, the door into it; c, a void place to walk in; g, a wainscot partition; e, a door which a maser keepeth; f, the place where those in readiness which have business; 16, a wall crossing over-thwart; h, a door through the high wooden partition into the outward house the 2nd court; g, stagewise seats into which any may go out of the void place; (sc. c.). i.g. a pale to forlet any to go off from the stagewise seats into the Court; h, a long backed seat for lawyers and expectants to sit on; m, the door in at which the Macer and Judges, &c., go within the bar; l, another door on either side of which the advocates, defendant, and pursuant, plead; n, a place for the idle advocates to chat and walk in; o, a seat where the Registers sit at the table; p, the two ascending seats on the lowest of which other clerks and registers sit, on the highest the single Judge; q, a wall; r, a door out of the outer house into a walking place before the inner house over which hangeth a bell the string of which goeth into the inner house by the judges' heads; s, another door into the inner house retiring place; s, a partition wall; t, the door into the inner house; u, a door into a severed place for any man's private dispatch, as for writing of letters or other things, conferences, &c.; w, the seats and table; x, a vacant place for clients and other concourse during the advocate's pleading or motion before the Judges; z and x, the bar on both sides of the door, those for the defendants and their advocates the other for the pursuers &c.; y, the entrance for the Judges and Registers; 5, the table with 3 sides about the outside of which, on 8, sit the Judges, my Lord Chancellor in the midst and in a black gown, the President of the sessions on his right hand in a purple gown faced with red velvet, and so the rest of the lords except the Lord Advocate, who is in black, and sitteth in the corner 3, and in degree is next the President; he is in nature of the King's Attorney at London, and pleads for the King when anything toucheth him, and also for other persons and still with his hat on if so it please him; 4, the form before the table on which the Registers sit, being men of good esteem, but bare-headed; 2, the door to the chimney; 10, the chimney, over the head is it fine fret plaister work, and in the windows behind the Judges are there the volumes of their law. Under part of these Courts is there another court called the Court of Justice, and hard by is the Lord Provost's Court, and first of the Commissary's Court beginning *ex minimis*, to it belongeth 4 Judges which formerly have been advocates,

[from Register]

in actioun and caus advocat to the lords of counsall persewit of befoir be abrahame abircrumbie sadler burges of edinburt, cessiouner and assignay lauffullie constitut to the actioun of spuillzie and profits eftermentionat agains harie watsoun burges of Birrane befoir the admiral and his deputs for the wrangous spoliatioun and intrometting with, withalding be himself, his servands and complices etc upoun 1 december or yrby in 1599 fra James rig brother germane to maister mungo rig of carberrie principall pairtie and cedent to ye persewar, furth of the haivin and schoir of leith of ye schip callit ye angell with hir haill ornaments, apparells and furnitor pertening and belonging to hir,

all justlie and lauffullie appertening to ye said James rig cedent and author to ye said persewar, togidder with hir haill fraucht of guids, tymber and merchandyce efterspecifeit being within ye said schip lykwys belonging to ye said james as his awin proper schip and guids and being in his possessioun within ye said heavin and schoir of leith, occupyit saillit and the said schip wrocht be ye said James rig, his servands marinars and uyris in his name in dyvers seyis, speciallie fra ye towne of Berowne to leith divers monethes and oulks nixt and immediatelie preceeding ye spoliatioun yrof

lyk as ye said guids and merchandice being yrintil pertene to James rig as his awin proper guids bocht be him within ye burgh and citie of berowne and uyr pairtis beyond sey and importit be him in ye said schip, keipit, useitt and manurit be him as his awin proper guids and merchandice within the samyn schip ye tyme of ye spoliatioun, lyk as he was in semblable possessioun yrof divers monethes or oulks nixt and immediatelie preceeding ye spoliatioun

ye pryce of ye foirsaid schip with ornaments and apparelling, thrie thowsand punds extending the foirsaid guids and merchandice being yrintil spoilyeit and awantane as said is to the avail, quantitie and prices following, that is to say

threttie faddome[=a linear fathom ;a measurement of rope, cloth or wood]of fyir wod price of ilk faddome yrof 5 merks
fyvetein hundreth daills[=planks]of fyir price of ilk hundreth yrof fyftie punds
ten thowsand girthstingis[=lengths of wood for making barrel hoops] price of ilk thowsand yrof thrie punds
ffourtie garrowneis[=short wooden beams]price of ye peice yrof fyve punds money of yis realm

thairfoir the defender to haif hard and sene him decernit be decreit and act of court to haif done wrang be himself, his servands, complices and uyris in his name of his causing and command als said is in the wrangous, violent and masterful spoliatioun, awaytaking, resetting, detening and withalding from ye said James rig cedent and author to ye persewar of ye foirsaid schip callit ye angell with hir haill ornaments, apparelling, merchandice and guids and geir being yrintil and pertening to ye said James as his awin proper schip and guids and being in his possessioun in maner and be ye space aboverehersit

and thairfoir to haif hard and sene him decernit be decreit foirsaid to restoir and delyver to ye persewar as assignay lauffullie constitut be ye said James rig to this actioun and caus the foirsaid

schip etc ground and place ye same was spoilyeit and takin fra and als guid as they war the tyme of the wrangous spoliatioun yrof or els to refund, content and pay to ye persewar ye prices and avails as at mair lenth is contenit in the principal clame gevin in befoir ye said admiral, act of advocatioun and hail proces led and deducit yrintil

abrahame abircrumbie persewar being personallie present togedder with Mr william oliphant his preloquitor

harie watsoun burges of birrowne comperand be Mr alexander king

the ryts etc and the lords of counsall having consideratioun of ye merriits of ye said caus and speciallie of ane claus contenit in ane contract maid betuixt harie watsoun and James rig on the ane and uyr pairts of ye dait 22 september 1599 and registrat in the buiks of counsall 11 december yeir foirsaid, be quhilk contract the foirsaid schip wes sauld to ye said James rig bearand yat it sould be leasum to ye said harie to mell at his awin hand with the said schip in cais he ressavit not the pryce yrof at the speciall dayis contenit in ye samyn contract, assoilyeis simpliciter ye said harie watsoun defender from ye petitioun of ye persewar in ye said mater anent the spoliatioun of the said schip, ornaments yrof, guidis and geir being yrin and profits of the same and from the haill poynts and articles contenit in the said summons and decernis him quhyt yrfra in tyme to cum

and siclyk the lords having consideratioun of the schortnes of tyme betuix the aryvell of the said schip at the port and heavin of leith upoun 26 day november 1599 and the intromissioun had be the said harie watsoun with the samyn schip, quhilk is allegit to haif bene in the said summons upoun the 1st day december yrefter, decernes and ordanes harie watsoun to refund, pay bak agane to ye said abrahame abircrumbie, cessiouner and assignay foirsaid, all the sowme of ane hundreth fiftie dollors ressavit be him in pairt of payment of the price of the said schip

and lykwys discharges ye said James rig cedent of his obligatioun maid be him to harie watsoun of the sowme of fyftie auld silver dolors of ye dait 4 november 1599 and suspends and discharges all executorialls that hes followit or may follow yrupoun in all tyme cuming

and lykwys as for certane causes and consideratiouns moveing thame hes simply fried and exonerit ayer of the said pairteis contracteris of yair pairts respectivlie of ye foirsaid contract and of all heids and articles yrof and suspends simpliciter all lrs raisit be ayer of ye said pairteis agains uyris for fulfilling yrof

and declaris all lrs and executorialls yat hes bene raisit be ayer of ye saids pairteis agains uyris for fulfilling of ony heid of ye samyn contract to have bene from the beginning and to be in all tyme cuming null and of na availl, force nor effect

and ordanes lrs to be direct heirupoun gif neid beis in forme as efferis

CS7/193/16v(Abircrumbie c Watsoun)

[from Register]

qlk day the lords of counsall of consent of the pairteis and procurators underwrittin hes given and grantit and be ye tenor heirof gevis and grantis full power and commissioun to maisteris thomas craig william oliphant and alexander king advocatis coniunctlie to sit decyde and cognosce as proveist and bailleis of the burt of edinburt in that pairt in the actioun and caus persewit be Mr Jon scharpe of houstoun advocat agains samuell burnet merchand burges of edinburt tuiching the decerning of him to mak payment to ye said Mr Jon of divers and sundrie annuelrents addetit to him furth of that greit ludging qlk sumtyme pertenit to umgle archibald stewart lyand wtin ye said burt betuix ye blakfreir wynd on the west and the wynde callit todrigis wynd on the eist pairtis makand and constitutand be yir pntis the saids Mrs thomas craig william oliphant and alexander king proveist and bailleis of ye said burt in yat pairt with power to thame to sit and decyde on ye said mater and to that effect all and sundrie members and offirs of court neidful to elect creat and constitut and to that effect courtis ane or ma to fix fenss hald and begin and continew sa oft as neid beis and generallie all and sundrie uyr thingis to do use and exerce in the premises qlks the proveist and bailleis of edinburt mycht do yranent thameselffis quhairupoun the said Mr Johne scharpe persewar as also ye said samuell burnet defender being bayth pllie pnt askit instrumentis

CS7/185/333r (Burnet c Scharpe)

GRANTING COMMISSION TO 3 ADVOCATES, ONE OF WHOM DIES AND IS
REPLACED, MAKING THEM SHERIFFS OF LANARK

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[from Register]

... and for decisioun of ye said actioun [of molestatioun of nolt on commoun pasture in ye mure betuix ye lands of lauchope and teiling burne now commounlie callit knelandtoun mure, baronie of bothwell, syrefdome of lanerk] the saids lords upoun supplicatioun gave and grantit be ane act of commissioun made under the clark of registeris subscriptioun last Januar 1592 full power and commissioun to Mr thomas gray, Mr mark borthwik and john haliday advocates coniunctlie makand thame syreffis of the said syrefdome of lanerk in that pairt for proceeding and doing of justice to all the saids pairteis as accords and to sit in the tolbuith of edinburt or upoun grund of the saids lands as the saids juges sall think expedient and to creat clarkis servandis dempstaris, and becaus the said commissioun was grantit to the saids thrie juges coniunctlie and that the said umquhile Mr mark borthwik is now departit this lyfe ane of the samen thrie juges, the uther twa may not proceed in the said actioun except ye saids lords gifis yair power and commissioun to yat effect or thane joyne ane to thame makand thame coniunctlie syreffs of ye said syrefdome for doing of justice in ye same actiouns as is allegit

anent ye charge to ye defenders to have comperit to have hard and sene power and commissioun grantit be ye lords to Mr thomas gray and Jon haliday juges onlyff mentionat in ye said submissioun makand thame coniunctlie syreffs of ye said syrefdome of lanerk in yat pairt for recognoscing and decisioun in ye saids actiouns conforme to the samyn auld commissioun or tham to have inioynit to thame ony uther advocat makand tham all thrie coniunctlie syreffs of ye said syrefdome of lanerk for cognosceing in ye saids actiouns conforme to ye samyn auld commissioun and to have the full effect yrof according to the tenor of ye samyn ...

the lords of counsall gives and grants full power and commissioun to Mr thomas gray, Jon halyday and Mr Jon dawling advocats makand thame coniunctlie syreffs of the syrefdome of lanerk ...

Mrs thomas gray and Jon dawling bayt plie pnt maid fayt that yai sall leallie and trewlie minister in ye said office grupoun bayt pairteis procurators askit instruments

CS7/189/241r (L of Lauchop c Carphin)

[from Register]

... the lords continews the said mater in ye samen forme force and effect as it is now but prejudice of pairtie unto 16 maii nixt to cum with continewatioun of days and ordanes ye saids persewars to have lrs to summond ye witnesses qlk war summondit of befoir and comperit not to be summond again under gritter panes and ma witnesses gif thai pleis for preving of ye points of ye said summonds agane ye said day

and forder ye saids lords yit as of befoir haifing consideratioun of ye seiknes and impotence of ye said cuthbert hammiltoun qrthrow he may not easilie repair to yis burt to gif **his ayt de calumnia gif he hes just caus to deny** ye haifing of ye said contract and als to deny ye poynts of ye said lrs, thairfoir the lords of counsall yit as of befoir hes gevin and grantit lyk as be ye tenor heirop gifis and grantis full power and commissioun to ye commiser of glasgow to tak ye said laird of cauder ayt de calumnia upoun ye poynts of ye said lrs within ye said citie of glasgow upoun ye 20 and 22 day apryll nixt to cum or ony of yame and gif he hes just caus to deny ye haifing of ye foirsaid contract and as he deponis in ye mater ordanes ye said commiser to put ye samyn in writt clois and stamp ye samyn and to deliver ye samyn depositioun closit to ye said Mr James hammiltoun to ye effect he may report ye samyn in presence of ye saids lords ye 16 day of maii nixt to cum with continewatioun of days and yat yrefter ye saids lords may proceid and do forder justice in ye said continewatioun as effaris with certificatioun to ye said laird of cauder and he failyie to compeir in ye said citie of glasgow on ane of ye foirsaid days to gif his ayt de calumnia in maner foirsaid he salbe hauldin pro confesso and decreit gevin agains him in ye said mater in ye samyn form and effect as it is now but prejudice of pairtie unto ye day foirsaid

and ye pairteis compeirand as said is ar warnit heirop apud acta

CS7/189/167r (Hammiltoun c Hammiltoun)

[from Register]

...the lords finds the lrs of horning purchast at the instance of william gordoun of geicht agais the persewar[mariorie auchinlek and Mr robert burnet persone of urie]orderly proceidit notwtstandand the second ressoun of suspensioun and eik and that becaus the points being referrit simpliciter be the persewaris to the said william gordoun his aith of veritie, the said Mr william oliphant[advocat]in respect that he culd not repair to the south pairts of this realme becaus of the dedlie feud standand betuix the frends of the umgle erle of murray and him, desyrit ane commissioun to be direct for taking of his aith of veritie thairfoir the lords in consideratioun yrof and of the far distance of the place qr the said william dwells grantit full power and commissioun to Johne erle of montrois chancellair and alexander lord fyvie president with ony uyr lord being pnt wt thame to tak the said william gordoun his aith of veritie upoun the pointis of the ressoun of suspensioun and eik made agais the lrs of horning purchast at his instance agais thame in the toun of perth, gif he came and reparit thair wt georg marques of huntly at the conventioun of the estaits to be haldin in the said toun of perth 27 merche[ie 1600] nixt and ordanit Mr alexander hay ane of the clerkis of counsall to be clerk and pnt at the taking of his said aith, and to inquir at him efter he be solemlie sworne gif he had iust caus to deny the samen, and efter the ressaving of the said aith, ordanit the chancellor or president or ony uyr lord wt yame to caus put his said aith in wordeit authentiklie and to subscriye the samen wt thair handis, and to this effect ordanit the saids pairteis to compeir befoir the lords wtin perth at ony day during the tyme of the said conventioun and assignit 15 may nixt for reporting ... as in the said commissioun of 26 februar last is contenit

...and the said william gordoun of geicht reparand to the burt of perth at the tyme of the conventioun and comperand pllie in pns of alexander lord fyvie president, Mr thomas hammiltoun of drumcarne advocat, Mr johne prestoun of seatounbarnis collector and Mr johne skene clerk of register wtin the ludgeing of the said lord president and being sworne be his said aith of veritie in thair pnns declarit that the foirsaid reassoun of the suspensioun and eik maid yrto was nawayis of veritie as he suld anser to god

CS7/190/96v(Burnet c L Geicht)

[from Register]

...qlk action[of spoilyie]being advocat fra the commisser[of Inverness]to the lords of counsall and the libell admittit to andro monrois[pursuer]probatioun, he hes usit divers writs and hes renuncit furder probatioun and decreit as pronuncit be ye lords yrintil so now nathing rests bot that the said androis ayt be given upoun the quantitie and seeing that he is aigit and very sicklie sua that he dar not travell to cum to edinburt and gif his ayt befor the lords upoun the quantitie and prices wtout the hazard of his lyf thairfoir it is necessar to andro that the lords gif commissioun to the said John campbell commisser of Invernes to tak his ayt on the quantitie and prices of the teind scheaves in pns of gilbert robertsone servitor to Mr alexander hay ane of the clerks of session swa that the samen may be reportit again to the lords according to the daily practik and ordor usit in sic causes beseakand the lords to gif commissioun to the said John campbell and gilbert robertsone to tak andro his ayt wtin the consistorie place qr the commisser of Invernes sittis wtin Invernes upoun[BLANK]and to direct lrs to warn John Irving [defender]of kynnock for his entres, qlk being at lenth hard and considderit the lords givis and grantis full power and commissioun to John campbell and gilbert robertsone writter to tak androis ayt and gilbert robertsone to report in pns of the lords authentiklie subscrivit be the commisser, andro monro and himself[BLANK]November

CS7/190/271r(Monro c Irving)

[from Register]

anent or soverane lords lrs purchast at the instance of James robertsoun son and air of umqle andro robertsoun portioner of auchtermuchtie agains James robertsoun in newbigging and Mr James robertsoun son laul to umqle patrik robertsoun maltman burges of edinburt narrest of kyn to the complener on the fatheris syde and John thomsoun in over rossie and alexander thomsoun his son narrest of kyn on his motheris syde and uyris pretending to have interes makand mentioun that the complener being now past the age of tutorie is willing to underly the rewell and governance of sum discret personnes his narrest freinds and kynesmen to be given to him in curatour for preservatioun of him his lands rents and guidis fra dilapidatioun and wrang uses during his minoritie anent the charges to the defenders to have comperit to have hard curators decernit to be given to the complener or els to have allegit ane reasoun quhy the same suld not be done the complener comperand pllie quha desyrit Mr william oliphant advocat to be given to him curatour *ad litem* and Mr James robertsoun curatour to him *ad negotiam* the lords givis and nominatis in curatorie to James robertsoun during his minoritie and they being pllie pnt maid faith that they suld leillie and trewlle exerce the said office of curatorie and John robertsoun flescheor burges of edinburt becum actit cautioner for the curatours *de fideli eorum administratione*

CS7/186/309v(Roobertsoun c Thomsoun)

[from Register]

anent soveranes lrs purchast at the instance of Johne Bruce now of airth agains maister robert bruce of kinnaird and Johne bruce of kincavil father broder and nerrest of kin to the said persewar, alexander lord levingstoun and lord flemyng frendis and narrest of kin to the said persewar on the motheris syd and all uyris havand entres makand mentioun that quhair the persewar is now past the aige of 14 and has divers actiounis and causes to intent and persew befoir the lords of counsall and uyr iudges ordinar agains divers persones lykas ther are sundrie actiounes agains him qlks actiounes gif thay be richtlie persewit and defendit may tend to the persewaris singular weill and commoditie and utherwais thay may tend to his gryt hurt and thairfoir alsweill for pursute as defens of the said actiounes as als for preservatioun and gyding and governing of the persewaris landis and heritages etc during his minoritie and to his laul and perfyte aige of 21 yeiris compleit, necessar it is that curators be elect and given to him be the lords of counsall

Anent the charge to Mr robert bruce of kinnaird and Johne bruce of kincavil on his fatheris syd and alexander lord levingstoun and Johne lord flemyng on his motheris syd to have compeirit to have hard curators appointit for preservatioun and ruwling etc of him and all his lands and heretages etc and if thay failed the lords wald give and appoint curators to the persewar tañ *ad lites quam ad negotiam*

Johne bruce now of airth plie pnt quha chuisit Johne lord flemyng, alexander lord levingstoun, alexander Mr of elphinstoun thesaurer to or soverane lord, ser william menteyth of kersh knyt with robert bruce of kinnaird minister of chrystis evangell, archibald bruce of powfallis, Johne bruce of kincavil and robert bruce of padrik and georg montrois coniunctlie to be curators and thay to appoint factors and chamberlaines for uplifting of profeits

CS7/190/53v(Johne Bruce of Airth;act of curatorie)

[from Register]

anent lrs raisit at the instance of thomas lyndsay son and air of
umqle thomas lyndsay of teliemelie[?] agains [BLANK]lyndsay of
elicht, Johne cunystoun servitor to the lady gowrie, James lyndsay
barges of dundie, narrest of kin on the persewaris fatheris syd,
george stewart elder of arntully, Jon stewart his son and apparend
air, James lyndsay of dowhill, narrest of kin on the persewaris
motheris syd and uyris pretending to have entres, makand mentioun
that qr the persewar being minor, of the aige of 13 yeiris compleit,
having sundrie actiounes and causes to intent and prove, for laik of
iudgment and understanding he can not get the samen handlit be
himself qrfoir it is needful to him that curators be given to him
...anent the charge to the defenders to have comperit to have hard
and sein curators given to the persewar tain *ad lites quam ad
negotiam* be quhais counsel and auctoritie he, his lands etc may be
handlit ay and qll he be of the aige of 21 yeiris compleit ...
thomas lyndsay plie pnt ... the lords gives to the said thomas
lyndsay persewar the persones foirsaidis electit be him as said is
curators to him *ad lites et negotiam* be quhais counsel, consent and
auctoritie the said thomas may pursue all and sundrie his busines
and effairis ay and ql his perfyte aige of 21 yeiris compleit
george ramsay of dalhousie plie pnt becum caur for the curators that
thay sal leilie and trewlie minister in the said office of curatorie
and thay and ilk ane of thame oblist thameselffis to releif the said
laird of dalhousie of his cautionrie
and the curators being all plie pnt except the young laird of
arntully maid faith in pns of the lords *de fideli administratione*
and the lords ordanes Jon Stewart of arntullie, ane of the curators
chosin in maner foirsaid [to give] his aith and caution to be tain
at his cuming to the toun

CS7/190/115v(Lyndsay c Lyndsay)

[from Register]

Upoun 13 august 1599 alexander mr of elphinstoun, james commendator of incheffray, ser James elphinstoun of barnetoun knyt secretar, James kinross fear of kippenross, richart abircrumbie of poiltoun, colonell bartleme balfour and robert drummond of doill being convenit as special freindis and kynsmen to alexander drummond and appointit be him for heiring of the compts of the persewaris intromissioun with the haill rentis belonging to alexander that he suld be comptable, the compts being considerit, they fund him be his foirsaid intromissioun superexpendit in the sowme of 3317 pundis grupoun they ordanit alexander drummond of carnok his airs etc to releife the said persewar his airs etc of 2575 pundis 1s and he being relevit of the said sowme to discharge him of all compts either be ward tutrie or fermes sen the expiring of the said tutrie qrof he might be burdenit as the said futtit compts subt be the saids pairteis beirs

CS7/187/314v(Drummond c Drummond)

[from Register]

James Henry maltman burges of the cannongait and george henry his son, 7 october 1595, rasiit lrs of inhibitioun agains george skathowie and yrwt be opin proclamatioun at the mercat croce of the said burt Johnne mathesoun messer inhibit and dischargit george skathowie that he sould not sell annalie nor wadset dispone ony of his lands heritages takis and possessiounis in defraude of the persewares and siclyk inhibiting all or soverane lords leiges that nane of yame sould tak upoun hand to receive ony richt alienatioun or dispositioun fra george of his lands nor to contract ony dettis wt him utherwys siclyk pndit richts sould be null

CS7/190/202r(Wilsoun & Henry c Johnstoun)

[from Register]

... he[William Cunninghame of Capringtoun, persewar] being in possessioun of ye said teind scheves be serving of inhibitiouns in his name and at his instance yeirlie ilk of ye saids cropes[1596, 1597 and 1598]agains all ye forenamit persouns [Wiillame Dunbar of Enterkin and 17 others]and uyr fewers etc addetit in payment of ye teind scheves be opin proclamatioun at ye parochie kirk of tarboltoun upoun ane Sunday befoir noone in ye tyme of devyne service dewlie and lawfullie in convenient and dew tyme,

inhibiting and dischargeing yrby the saids persouns and all uyris addetit in payment of ye teind scheves that thai nor nane of yame presumit or tuik upoun hand to scher, led, intromet with or awaytak ony of the cornes sawin be yame and growand upoun ye foirsaid towne and lands of ye particular cropes and yeirs abovewrittin but tak, licence or tolerance of ye said persewar, takisman foirsaid, had or obtenit yrto and that they maid lawfull and tymeous premonitioun and warning to him for yat effect, with certificatioun to yame and they failyeit and did in ye contrair they suld be callit and convenit as violent spoilyears of ye samyn and compellit to mak restitutioun, payment and delyverance yrof or prices of ye samyn

... lyk as the persewar was in pecabill possessioun of ye teind scheves be serving of inhibitiouns at his instance and obtenit decreits yrupoun at ye avails eftermmentonat ...

CS7/191/330r(Capringtoun c Enterkin)

[from Register]

... he[William Cunninghame of Capringtoun, persewar] being in possessioun of ye said teind scheves be serving of inhibitiouns in his name and at his instance yeirlie ilk of ye saids cropes[1596, 1597 and 1598]agains all ye forenamit persouns [Wiillame Dunbar of Enterkin and 17 others]and uyr fewers etc addetit in payment of ye teind scheves be opin proclamatioun at ye parochie kirk of tarboltoun upoun ane Sunday befoir noone in ye tyme of devyne service dewlie and lawfullie in convenient and dew tyme,

inhibiting and dischargeing yrby the saids persouns and all uyris addetit in payment of ye teind scheves that thai nor nane of yame presumit or tuik upoun hand to scher, led, intromet with or awaytak ony of the cornes sawin be yame and growand upoun ye foirsaid towne and lands of ye particular cropes and yeirs abovewrittin but tak, licence or tolerance of ye said persewar, takisman foirsaid, had or obtenit yrto and that they maid lawfull and tymeous premonitioun and warning to him for yat effect, with certificatioun to yame and they failyeit and did in ye contrair they suld be callit and convenit as violent spoilyears of ye samyn and compellit to mak restitutioun, payment and delyverance yrof or prices of ye samyn

... lyk as the persewar was in pecabill possessioun of ye teind scheves be serving of inhibitiouns at his instance and obtenit decreits yrupoun at ye avails eftermmentationat ...

CS7/191/330r(Capringtoun c Enterkin)

[from Warrants and Decreets]

warrant to william wricht messinger to inhibit and discharge all and sundrie tenentis and occupearis of the foirsaidis lands [of Braco] oppenlie in ye parochie kirk of muthill upoun ane sonday befoir none in tyme of divine service that they nor nane of thame directlie nor indirectlie under quhatsumever cullour or pretens presume nor tak upone hand to gadder teind leid collect awaytak use and dispone yrupone of this instant crope and yeir of god mvctlxxxxix yeiris without tak licence rellevance or uyer just titil of richt first had and obtenit of ye said complener [Ser William Grahame of Braco, knight]yrto

and that they mak lauchfull and tymous premonitioun and warning to the said complener his factours and servitours in his name to cum and teind with yame and remove not yair cornis nor teind schevis of the ground quhair ye samen growis and remanis unteyndit

Bot yat they reddellie anser and obey him and yame yrof and suffer and permit the said complener and his foirsaidis peciablle to intromet yrwith teind leid collect awaytak use and dispone yrupoun at yair pleasyr but stop trubill or impediment certefeing yame that dois in ye contrair that they salbe callit and persewit yrfoir be summonds of recent spuilzie and compellit to mak restitutione of the samen with all rigour and uyer wayes as accords of the law according to justice as ye will anser to us yrupoun

CS15/78/42 (Grahame c his Tenentis)

[from Register]

...not only be divers acts of parliament bot also the daylie pratik introductit and ressavit yrupoun it is establist that qr the air or successor of ony persone or personnes deceist hes na blenche nor few ferme lands to sustene him, that he sall have ane resonnabill leving and sustentatioun modifeit to him efter the availl and quantitie of his lands heritabill to be payit be the wardatour coniunct fear or lyfrentar yrof and albeit the complener [Johnne Skougall of that ilk] be apparend air and successor to umgle - Skugall of that ilk his father of all lands of skugall with lynkis, cunynghamis, paitis, pendicles, pertinents, lordshipe of cunninghame[clerk's mistake for Tynningham?] constabularie of haddingtoun, syrefdome of edinburt, nevertheles the complener ressavis nor reportis na yeirlie profeit nor commoditie yrof for his sustentatioun nor yit hes he ony kynd of rent grupoun he may sustene him his wyffe and familie and albeit george lauder donatour to the waird and nonentrie, be vertew of gift and nocht maid to him yrof, occupeis the saids lands with lynkis etc uptaks the mailis fermes profeits and dewteis dispones at his pleasur and the complener can get na pairt of the rent for his necessar sustentatioun

the saids lands will give yeirlie being set to tenentis 16 chalders victual half quheit half beir thairfoir seeing george lawder as wardatour bruiks and intromets with the haill fermes etc and uses the samen to his utilitie, thair aucht ane ressonabill leving and sustentatioun to be modifeit furth yrof to be payit to the complener during the said waird qlk mater aucht to have summar proces upoun 6 dayis warning but dyet or table becaus the said actioun is *alemantare et venter non patituri dilationem*

...the lords efter dew tryell and consideratioun of the availl and quantitie of the foirsaidis lands hes modifeit to the complener furth of the saids lands yeirlie during the tyme of his waird 3 chalders victual half quheit half beir and ordanis lrs simliciter charging george lawder to mak payment to the complener becaus the points wer admittit to the persewaris probatioun ... and the lords fund be probatioun of divers witnesses the availls

(Act referred to is 1491 c. 25 ; see *Hope's major Practicks*, III, 12, 32))

CS7/186/267r(Skougall c Lawder)

[from Register]

... and trew that ye saids fyve auld chartors wer never regrat in ye said king davidis register nor in na kingis register sen that tyme, at ye leist gif they had bene registrat, ye saids registers ar perischit and tynt and can not be fundin sua that gif be chance of warr, other perrell, danger or accident the saids chartors be destroyit the said lord heres securitie of ye lands and uyris foirsaidis contenit yrin may be perrellit

and for that caus and als be ressonne that throw the antiquitie yrof and **auld forme of charecter and wryt yrof the chartor and parchement will be proces of tyme weir and the wrytt yrof within schorte space will not be red nor weill understand**, neccessar it wer the saids fyve auld chartouris be yit registrat in or soverane lordis register be ye clerk of register and the deputtis keiparis yrof *ad securam rem memoriam* that the same may be patent to ye said lord heres and the posteritie havand enteres, to ye effect that authentik extractis yrof in cais of omissioun or tynsall of the said originall chartor may have as greit fayt in judgment and outwith in all tyme cuming to ye said lord heres and all uyris havand interes as ye same originalls thameselffis ...

CS7/189/439v (Lord Heres c Theaurer et Advocatus)

[from Register]

transferris ye contract and decreit of ye lords of counsall
interponit yrto of qlk the tenor follows

at edinburt 1 august 1588 in presence of the lords of counsall
comperit personallie sir partik vaus of barnebarroch knyht ane of ye
senators of the college of justice on ye ane pairt and george
dowglas of sanct germanis comperand be Mr Jon scharpe his procurator
speciallie constitut be ye contract underwrittin on ye uther pairt
and gave in the same subscrivit with thir hand desyring the same to
be insert and registrat in the buiks of counsall to have the strenth
force and effect of yair act and decreit in tyme to cum and lrs and
executorialls to be direct upoun ather of yame pairteis for
fulfilling yrof in all points in maner specifeit yrintil

the qlk desyr the lords thocht ressonall and thairfoir hes ordanit
and ordanes the contract and appointment to be insert and registrat
in yr sds buiks to have the strenth of yair decreit in tyme to cum
and thair authoritie to be interponit

and decernes and ordanes lrs and executorialls to be direct upoun
ather of ye saids pairteis for fulfilling yrof in all points

of qlk the tenor follows ...

CS7/189/242r (Dowglas c Marjoribanks)

[from Register]

transfers the contract and appointment underwrittin betuix umquhile robert bruce of pitlochrie fayer to robert bruce now of pitlochrie on the ane pairt and george dudingstoun broyer germane to william dudingstoun of sandfurd on the uyr pairt with ane decreit of the commiser of st androis interponit yrto of qlk the tenor follows

at pitlochrie 21 apryle 1589 it wes aggreit betuix robert bruce of pitlochrie and george dudingstoun of sandfurd ... the said george for granting unto him his airs and assignays of the infeftment efterspecifeit hes delyverit universal money[amount not specified]and discharges george his airs etc for now and ever for the foirsaid sowme

the said robert binds him that with consent and assent of Jonet dundas and the said complener his son and air apperand quhais consent he oblist him to obtene, to infeft James heritable in ane annuelrent of £40 to be upliftit at witsonday and mertinmes be equal portiouns furth of robertis lands of pitlochrie, regalitie of sanct androis, seryfdome of fife and that be his charter of plane alienatioun contening onerous titil with instrument of seasing and precept yrupoun contening all ye clauses of warrandice necessar namelie fra all writts receitts nonentresses recognitiouns forfaltors requisitiouns ladyes enteres coniunct feis, publick or privat, infeftments eiectionis purprasioun impositiouns videntatiouns contreicts and all uyr perreils dangers and instruments that may follow yrupoun for onie deid defaulter or actioun byast or byrun and the said annuelrent to be haldin of robert his airs etc in frie blenche ferme for the yeirlie payment of ane pennie upoun the ground gif it be askit allanerlie

and robert bruce bands him his airs executors assignays and intomettors with his guidis for the yeirlie and termlye payment of the foirsaid annuelrent to george his airs etc alsweill not infeft as infeft enduring the alienatioun and nonredemptioun of the annuelrent albeit that the said george his airs etc suld ly furth onie space or tyme not enterit yrto nor seasit yrintil be the qlk the said annuelrent sall naways be in nonentrie bot iustlie appertene to george his airs etc during the haill space of the alienatioun and non redemptioun

and in cais it sall happin in onyways george and his foirsaid to requyre robert, his airs etc ayer personallie or within the parochie kirk of lewchars fourscoir days preceeding witsonday or mertinmes befor noone upoun ane sonday in the presence of ane notter and witnesses as efferis to redeme and outquhyt fra george or his foirsaid the foirsaid yeirlie annuelrent and that be payment of 500merks with the bygane profits restand awand, the said robert sall redeme the samen according to the premonitioun and george binds him and his foirsaid to seall subscribe and deliver to robert and his foirsaid ane sufficient lr of reversioun with all clauses necessar for outquhytting of the said annuelrent of £40 furth of the said lands and pertinents or onie pairt yrof contening the sowme of 500 merks upoun premonitioun of 40 days as use is

and the payment of the said sowme to be in the parochie kirk of cowper and the consignatioun yrof gif neid beis to be in ane responsall bailleis hands of the said burt and the said reversioun to contene suspensiounn of the laul redemptioun of the said

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annuelrent ql the byroun profeits restand awand the tyme of redemptioun be first compleitlie payit at the leist consignit with the principal sowme

and for the mair suir thankful payment to be yeirlie maid of the said annuelrent to george and his foirsaidis unto the laul redemptioun yrof, the said robert oblissis him and his foirsaidis that he sall caus ... tenantis and occupiers of pitlochie become actit with himself coniunctlie and severallie in the buik of the commisariot of sanct androis or the syreff of fyff respectivlie or onie of thame for payment of the foirsaid annuelrent to george and his foirsaidis unto the laul redemptioun yrof

and in cais onie of the tenentis be removit fra occupatioun befor the redemptioun of the annuelrent the said robert oblisses him his airs and assignays become nixt intrant tenentis to the said lands of pitlochie to becum actit with himself and his foirsaidis in the said buiks reptlie for the yeirlie payment of the annuelrent to george and his foirsaidis and swa furth

and for the mair securitie baith pairteis ar content the contract be insert and registrat in the buiks of sessioun, commiser buiks of sanct androis or syref buiks of fyif with executorialls of horning pointing and wairding to pas yrupoun in form as effaris and to that effect ordanes and ilk ane of thame coniunctlie and severallie yr procurators committing full power to thame in holding yrto *in ulteriori forma constitutionis permitten[?] de rato* in witnes qrof baith pairteis subscrivye [list and writer]

sic subscribitur robert bruce and george dudingstoun
ita est Jacobus andersoun not pub testis in premissis approv manu propria

upoun 1 merche 1596 this present contract immediatelie abovewrittin is ordanit to be the decreit of Mr robert mauld *licentiater* in the laws and commiser of sanct androis to be insert and registrat in his buiks and interponit as be thir pntis he interponis his decreit and authoritie yrto and statut and ordanis ane terme to Mr william russell procurator laullie constitut and acceptand procuratorie for the said robert bruce to produce ressonnes quhy na executioun suld pas upoun the said contract agains the said robert bruce

quhilks being producit and ansers maid yrto be Mr george mernis procurator for george dudingstoun, the said commiser be his interloquitor producit upoun the 23 merche, notwithstanding his ressons, ordanit his lres and executorialls neidful to be direct upoun the said contract in all points

grupoun Mr george mernis tuik act[?] of the burt extractioun *de libro regrii contractionorum curiae comm sanctandrie per me Jacobus arnot eiusdem curiae scribam subscriptorum ...*

Sic subscribitur Johne Arnot in the said robert bruce now of pitlochie, son and air, and ordanes siclyk lrs, proces exells and executioun to be had as decreit usit and execut at the instance of george dudingstoun agains robert bruce son as micht have bein direct at ye persewaris instance agains umquhile robert his father in his lyftyme and the Commiseris decreit interponit ...

CS7189/383v (Dudingstoun v Bruce).

AUTHENTICATING THE WRITING IN A NOTARY'S PROTOCOL BOOK AS THAT OF
HIS SERVANT

[from Register]

...the pairteis comperands rytis ... the depositiouns of william hay and James monypenny burgesses of perth with the precept of clare constat grupoun the instrument of saising proceidit maid be umquhile robert commendator of balmerinoche under the subscriptiouns and commoun seillof the said monasterie 22 august 1559 being producit for the pairt of the persewar for cognoscing of ye haill writ of the said instrumentis trewth yrof and loyaltie of ye said noter being hard sene understand and the lords being ryplie advysit the lords of counsall hes transumit and transumes ye foirsaid instrument of seasing insert and ingrossit in the said prothogoll buik and ordanes ye authentik transsumpt copie and dowbill to be delyverit to the persewar under the clark of registeris subscriptioun to mak as gritt fayt strent and effect in iudgement and outwith the same in all tyme cuming as gif the same had never bene subscryvit be ye said umquhile noter befor his deceis to be keptit be the persewar

...of qlk instrument the tenor followis ...

the persewar producit the precept of saising abovewrittin grupoun the instrument of saising proceidit and siclyk william hay and James monypenny pllie pnt in presens of the lords maid fayt and declarit that the prothogoll of the said instrument is the proper hand writ of umquhile allane iustice quha was servand the tyme of giving of the said saisine divers yeirs befor and efter to ye said robert rollok noter and quha was in use and custome to wrytt his instruments in his prothogoll buik and that the said robert rollok was ane famous and legall noter

CS7/189/87r (Laweris c Balmerinoch)

[from Register]

anent the summons raisit at the instance of robert merse heritabill proprietor of the myln callit the culte myln, mynlans, multers, and suikin underwritin agains robert mudie son to umquhile andro mudie syref clerk of the syrefdome of kinrosschire

havear in his hands of his umquhile fatheris prothogoll and scroll underwritin, and henrie myln son and air at ye leist apparent air to umquhile James myln sumtyme of Cult myln for his entres

makand mentioun quhair the persewar is dewlie and lauffullie infest and seasit ... and for fulfilling of ane contract maid betuix umquhile James myln sumtyme of culte myln on ye ane pairt and umquhile dame Jeane ruthven ladie strathurde, mother to ye persewar and him on the uther pairt and be charter and instrument of seasing following yrupoun grantit be umquhile James myln to the said umquhile dame jeane ruthven in lyfrent and to ye persewar heritable in fie in all and haill the myln callit the culte myln, mynlans, multers, knaifschip and consuikin and outsuikin yrof with pertinents, lordschip of culross and syrefdome of fyif

and becaus umquhile andro mudie is now deceissit quha wes notar to ye said instrument of seasing and that ye samen wes naways extractit nor given furth be him in authentik forme befor his deceis to ye said persewar

thairfoir neccessar it is to ye said persewar to have ye said umquhile notaris prothogall buik or his scrollis contenand ye said instrument of seasing writtin with his awin hand dewlie and authentiklie transumit and ye authentik transumpt extractit and delyverit to him furth of ye said umquhile notaris scrollis or prothogall to mak als gret fayth in judgement and outwith in all tyme cuming as gif ye said instrument of seasing had bene dewlie extractit, given furth and delyverit to ye persewar in authentik forme be ye said umquhile notar befor his deceis,

quhilk prothogall buik and scrollis contenand ye said instrument of seasing of umquhile andro myln is in the hands and keiping of robert mudie son at ye leist quha had, hes or fraudfullie hes put samen away and will onnaways exhibit and being producit robert mudie and henrie myln for his entres to have hard and sene ye said instrument of seasing dewlie and authentiklie transumit, extractit and delyverit to ye persewar or ells [to have allegit ane reassoun quhy the samen sould not be done]

robert merse, persewar, comperand be Mr henrie balfour

robert mudie, havear of ye scroll comperand be Mr umphra blinsellis quha producit ye said scroll writtin upoun ane leaft of paper on baith the sydes and yairupoun askit instruments

and henrie myln son and air to umquhile James myln for his entres being lauffullie summondit and oft tymes callit not comperit

the pairteis ryts etc togidder with the depositions of Mr william oliphant advocat, laurence oliphant his servitor and James dowie servitor to Mr eduard merschall commiser clerk of edinburt, producit for ye pairt of ye persewar, with the extract and chartour quhairupoun ye sd instrument of seasing now desyrit to be transumit

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proceidit and followit for preving of the handwryt of ye said
umquhile notar and his loyalte being hard, sene and understand and
ye saids lords yairwith being ryplie advysit

the saids lords hes transumit and transumes the foirsaid instrument
of seasing in authentik forme furth of the said scroll and decernis
and ordanes the authentik transumpt and extract yairof subscryvit be
ye clerk of register or his deputs to be delyverit to the persewar
to be keipit and usit be him as his proper evidents at his pleasor
in all tyme cuming and to mak als greit fayth in judgement and
outwith as gif the samyn had bene extractit and delyverit to him in
authentik forme be umquhile andro mudie befoir his deceis under his
sign and subscriptioun manuall as use is

of quhilk instrument the tenor followis [in latin]

becaus the persones defenders wer lauffullie summondit to have
comperit befoir the lords day bygane to have hard and sene the said
instrument transumit in maner abovewrittin with certificatioun etc
and nane of thame comperit except the said Mr umphra blinsell
procurator for robert mudie, havear of ye said scroll quha, nor nane
of thame, schew na reassonall caus in ye contrair, lyk as was
cleirlie understand to the saids lords

thairfoir they transumit and decernit in maner foirsaid

and als becaus Mr william oliphant, laurence oliphant and James
dowie being all personallie present in presence of the lords maid
fayth and yairby declarit that umquhile andro myln notar wes ane
famous and publict notar and commoun concours had to him in the
cuntrey

and ye said scroll and instrument is the proper handwryt of the said
umquhile notar and that he wes famous and lyall lyk as was cleirlie
understand to the lords thairfoir they transumit and decernit in
maner foirsaid

and ordanes lrs to be direct heirupoun in forme as effeiris

CS7/193/47r(Merser c Mudie)

[from Register]

transferris the decreit underwrittin given befor the bailleis of the burt of edinburt of qlk the tenor followis

decimo octavo novembris 1596, qlk day george todvik[?] baillie sittand in judgment decernit and ordanit robert gray merchand burges of edinburt to pay to Joseph marjoribanks the sowme of 255 pundis money for wyne coist and ressavit be the said robert fra him at witsunday last in respect of the said josephis aithe gevin yrupoun referrit yrto be the saids judges in pena continuating of the said [actioun]

robert gray laullie convocit to this day be James young officiar to have comperit and gevin his aythe upoun the premisses and comperit not and ordanes him to pay 10schillings of expensses

extractit de libro actoris curis burghi de edin

in Johne gray sone and he quha wes laullie chargit upoun 40 days warning conforme to the act of parliament to enter air to the said umquhile robert gray his father and in the said Johne gray his tutors and curators gif he ony haif for his entres *Passive* and decernes and ordanes siclyk lrs and executorialls to be direct at the instance of Johne marjoribanks agains Johne and his tutors and curators for yr entresses as aucht or suld haif bene direct agains umquhile robert gray in cais he wer on lyfe efter the forme and tenor of the said decreit

persewar comperand be Mr umphra blinsele

the defenders summond, not comperand

CS7/186/343r (Marjoribanks c Gray)

[from Register]

anent the summons raisit at the instance of issobell boisswell ane of the tua dochteris and airs of umquhile robert boisswell portioner of kinglassie and yrby having sufficient entres to crave the instrument underwritin to be authenticklie transumit and the error efterspecifeit contenit yrintil to be correctit and mendit agains elizabeth boisswell ane uyr of the dochteris and airs of umquhile robert boisswell, robert ramsay portioner of todriehill hir spous for his entres and marioun ramsay hir mother lyverentar of the lands of kinglassie and patrik wilsoun in dumfermling havear of ye prothogall buik and all uyris haveand or pndand to have entres, that is to say

the said patrik wilsoun tuiching the production of ye prothogall buik of umquhile david bousie noter contenand ane instrument of seasing with ye precept of seasing ingrossit grupoun the samen seasing proceidit quhair seasing was gevin to umquhile david boisswell in lyverent and to ye said robert boisswell and his airs heritablie of the lands of kinglassie with pertinents and ye said prothogall buik being exhibit and producit, the said elizabeth boisswell, robert ramsay hir spous, marioun ramsay and all uyris haveand or pretendand to have entres to have hard and sein the error and fault contenit in the said instrument and prothogall yrof decernit to be correctit and mendit in ye dait yrof and thairefter the samen instrument to be authenticklie transumit, extractit and deliverit to the complener as contenit in ye summons

issobell boisswell, persewar comperand be Mrs Johne russell, alexander king and david aytoun
patrik wilsoun havear of the prothogall buik of umquhile david bousie noter comperand be Mr thomas wilsoun quha for satisfying of the desyr of the summons producit the foirsaid prothogall buik of umquhile david bousie noter and askit instrumentis upoun the production yrof
elizabeth boisswell and robert ramsay hir spous comperand be Mrs william oliphant and Jon nicolsone
marioun ramsay and all uyris haveand or pretendand to have entres being summond and callit not comperit

it was **allegit** be Mrs william oliphant and Jon nicolsone that the prothogall buik and speciallie the said instrument contravertit contenit yrintil aut not to be transumit as is desyrit becaus be ocular inspectioun of ye said buik and instrument insert yrintil it is evident that the samen instrument is the hand writ of ane bairne newlie writtin and not the said noteris awin hand writ qlk instrument also is nowayis authentik in ye self in sa far as ye samen wantis divers substantiall heids and clauses qlks ar requesit to ye sufficiencie of ane authentik seasing and speciallie thir heids following

viz the samen designis not the place qr the said seasing wes gevin qlk suld have bene expressit and thrie word *acta contracta hic* without the qlk na seasing can be compleit perfyt
nixt the samen instrument makis na mentioun of the said seasing lyk as ye said noter hes never affirmit that he wes requirit or desyrit to ye geving of the said seasing qlks thrie pairts and heids ar all verie substantiall and necessarilie requirit to ye validitie of ane authentik instrument

and forder the said prothogall buik is not authorizat nather in the beginning nor end yrof be ye said noteris affirmatioun and subscriptioun qlk is also maist requesit seeing yr is mony of ye instrumentis contenit yrintil and speciallie ye said instrument contravertit qlks ar not ye noteris awin handwrit bot ar writtin be ane bairne qlk prothogall buik is also nawayis merkit be robert scott conforme to ye ordor prescryvit yranent and last the said prothogall buik keipis not ye ordor of ye inserting of instrumentis yrintil requesit seeing yr is divers instrumentis yrof qlk ar of laitter daittis insert in ye said buik befoir ye instrumentis qlks ar prior and befoir ye samen of dait viz daitit in anno Mvctlxvi yeirs and insert in ye said prothogall befoir divers instrumentis qlks ar daittit in anno Mvctlxiiii yeirs lyk as also yr is divers leiffis sewit in in sundrie pairtis in ye said buik and thairfoir the said prothogall buik wanting all ye said solempniteis and also ye said instrument nevir being extractit in ye said umquhile noteris awin tyme aucht nawayis sa lang efter his deceis be transumit and correctit as is desyrit

to ye qlk it wes **anserit** and replyit be ye saids Mrs Jon russell, alexander king and david aytoun procurators foirsaidis that the said allegaunce aucht to be repellit and ye saids obiectiones aucht nawayis to be respectit in respect of ye sufficiencie of ye said prothogall producit and qlk also conforme to ye ordor is merkit be robert scot in the beginning yrof

lyk as ye samen prothogall buik hes divers instrumentis insert yrintil befoir ye instrument cobntravertit qlkis ar all writtin be ye said umquhile noter himself

as also divers instrumentis efter ye samen qlkis ar siclyk writtin with ye said umquhile noteris awin hand writ qlk gevis gevis full credenc to ye said haill buik speciallie in respect of ye veritie of ye deid itself qlk is also corroborat be ye chartor and precept producit be ye saids defenders yameselffis qlk suppleis all the saids defectis abovementionat in respect grof and of ye qualitie of ye said noter quha wes not onlie ane simple noter bot also clerk of ye regalitie of dumfermling, the haill obiectiones contenit in the allegaunces abovewrittin aucht to be repellit

and forder yai offer thame to preve that the said umquhile david bousie noter in his awin tyme befoir his deceis extractit divers and sundrie instrumentis contenit in ye said prothogall qlks ar of ye self samen hand writ grof ye instrument contravertit is writtin with qlk inferris that ye samen instrument wes writtin at ye command of the said umquhile noter

lyk as also it is of veritie and thai offer thame to preve that the said prothogall buik producit wes deliverit be ye said umquhile noter himself befoir his deceis to ye said patrik wilsoun in pns of Johnne boisswell baillie of dumfermling for ye tyme as his awin ordiner prothogall buik to be maid furthcumand to all or soverane lordis leigeis haifand entres yrto

secundlie it wes **allegit** be ye said Mrs william oliphant and Jon nicolsone procurators foirsaidis that ye error lit contenit in ye said instrument aut not to be reformit and correctit as is desyrit becaus the samen is affermit be ye noter to be of ye dait in september anno Mvctlxv yeirs agais the qlk declaratioun na probatioun aucht to be ressavit and far les ony prescriptioun qlk is ye onlie ground lit be ye persewar qrby sche wald have ye said error mendit seeing of ye law ane noter is not permittit to mend his awin error bot be consent of pairtie far les can onie pairtie or persoun efter sa lang tyme efter ye makeris deceis and efter ye deid itself be hard to crave correctioun of ye said error speciallie in respect of ye manifest contraretie betuix the dait of ye said seasing and ye

dait of ye precept insert yrintil qlk presumes ane manifest argument of ye falset of ye said instrument

and ye saids Mrs william oliphant and Jon nicolsone procurators foirsaidis efter ye proponing of ye said secund allegaunce conioynit ye samen with ye said first allegaunce abovewrittin and desyrit ye samen twa allegaunces to be discussit coniunctlie

to the qlk it wes **anserit** and replyit be Mrs Johnne russell, alexander king and david aytoun procurators foirsaidis for ye pairt of ye said persewar that ye said allegaunce aut to be repellit and ye said error lit aucht to be mendit notwithstanding yrof in respect that the said seasing follows and depends upoun ye said precept qlk makis ye necessitie of ye said correctioun to be maist manifest seeing ye said seasing is corroboret be ye said precept and charter fra ye qlk the samen hes ye grund and warrand and offerit thame to preve the samen sufficientlie

qlks tua allegaunces togidder with the tua ansers with the points of the summons being hard sein and considderit be ye lords of counsall thay have admittit the ansers proponit agains the tua allegaunces togidder with the points of the summons to the persewaris probatioun and the tua ansers to be provin coniunctlie and assigns to the persewar the last januar and ordanis hir to have lrs to summond sic witnesses and probatioun and to produce sic writs as sche will use and the pairteis ar warnit apud acta

CS7/185/349v(Boiswell c Ramsay)

[from Register]

...efter productioun of the saids wryts and inspectioun had of the same be or soverane lords advocate and Mr John nicolsoun procurator for the persewar[David Ramsay of Pittanchope]the said advocate and Mr Jon nicolsoun past fra the improbatioun of the hail writs and evidents productit be the defender[George Stirk of Bandene]except the precept of 28 september 1589 qlk precept the persewar allegit was fals and offerit to impreve *per testes insertos* etc termes wes assignit to the persewar and and the remanent evidents and not tane to be improvin was redeliverit to the defender according to the lords ordinary as the act of litescontestatioun proports

qlk matter and actioun haveing continuellie stoppit and lyne or sen syne ql that the same wes of new laitlie waiknit againe and the persewar warnit to insist in the said improbatioun according to the foirsaid last act as the foirsaid lr of waiking raisit yrupoun proports at the calling qrof comperit Mr thomas hammiltoun of drumcarne advocat to or soverane lord and Mr Jon nicolsoun procurator for the persewar and declarit that they wald not insist onie forder in improving of the said precept at this tyme bot wald pas yrfra *pro loco et tempore* and thairfoir consentit that the said precept productit be the defender and tane to be improvin suld be givin up and deliverit to the defender

and george stirk pllie pnt ... askit instruments upoun the premisses in respect of qlk consents the lords of counsall ordanit the precept to be redeliverit to the defender...

CS7/192/179v (Ramsay c Stirk)

[from Register]

in actioun and caus advocat to the lords of counsall persewit of befoir be abrahame abircrumbie sadler burges of edinburt, cessiouner and assignay lauffullie constitut to the actioun of spuillzie and profits eftermentationat agains harie watsoun burges of Birrane befoir the admiral and his deputs for the wrangous spoliatioun and intrometting with, withaliding be himself, his servands and complices etc upoun 1 december or yrby in 1599 fra James rig brother germane to maister mungo rig of carberrie principall pairtie and cedent to ye persewar, furth of the haivin and schoir of leith of ye schip callit ye angell with hir haill ornaments, apparells and furnitor pertening and belonging to hir,

all justlie and lauffullie appertening to ye said James rig cedent and author to ye said persewar, togidder with hir haill fraucht of guids, tymber and merchandyce efterspecifeit being within ye said schip lykwys belonging to ye said james as his awin proper schip and guids and being in his possessioun within ye said heavin and schoir of leith, occupyit saillit and the said schip wrocht be ye said James rig, his servands marinars and uyris in his name in dyvers seyis, speciallie fra ye towne of Berowne to leith divers monethes and oulks nixt and immediatelie preceeding ye spoliatioun yrof

lyk as ye said guids and merchandice being yrintil pertene to James rig as his awin proper guids bocht be him within ye burgh and citie of berowne and uyr pairtis beyond sey and importit be him in ye said schip, keipit, useitt and manurit be him as his awin proper guids and merchandice within the samyn schip ye tyme of ye spoliatioun, lyk as he was in semblable possessioun yrof divers monethes or oulks nixt and immediatelie preceeding ye spoliatioun

ye pryce of ye foirsaid schip with ornaments and apparelling, thrie thowsand pundis extending the foirsaid guids and merchandice being yrintil spoilyeit and awantane as said is to the availl, quantitie and prices following, that is to say

threttie faddome[=a linear fathom ;a measurement of rope, cloth or wood]of fyir wod price of ilk faddome yrof 5 merks
fyvetein hundreth daills[=planks]of fyir price of ilk hundreth yrof fyftie pundis
ten thowsand girthstingis[=lengths of wood for making barrel hoops] price of ilk thowsand yrof thrie pundis
ffourtie garrowneis[=short wooden beams]price of ye peice yrof fyve pundis money of yis realm

thairfoir the defender to haif hard and sene him decernit be decreit and act of court to haif done wrang be himself, his servands, complices and uyris in his name of his causing and command als said is in the wrangous, violent and masterful spoliatioun, awaytaking, resetting, detening and withaliding from ye said James rig cedent and author to ye persewar of ye foirsaid schip callit ye angell with hir haill ornaments, apparelling, merchandice and guids and geir being yrintil and pertening to ye said James as his awin proper schip and guids and being in his possessioun in maner and be ye space aboverehersit

and thairfoir to haif hard and sene him decernit be decreit foirsaid to restoir and delyver to ye persewar as assignay lauffullie constitut be ye said James rig to this actioun and caus the foirsaid

schip etc ground and place ye same was spoilyeit and takin fra and als guid as they war the tyme of the wrangous spoliatioun yrof or els to refund, content and pay to ye persewar ye prices and avails as at mair lenth is contenit in the principal clame gevin in befoir ye said admiral, act of advocatioun and hail proces led and deducit yrintil

abrahame abircrumbie persewar being personallie present togedder with Mr william oliphant his preloquitor

harie watsoun burges of birrowne comperand be Mr alexander king

the ryts etc and the lords of counsall having consideratioun of ye merriits of ye said caus and speciallie of ane claus contenit in ane contract maid betuixt harie watsoun and James rig on the ane and uyr pairts of ye dait 22 september 1599 and registrat in the buiks of counsall 11 december yeir foirsaid, be quhilk contract the foirsaid schip wes sauld to ye said James rig bearand yat it sould be leasum to ye said harie to mell at his awin hand with the said schip in cais he ressavit not the pryce yrof at the speciall dayis contenit in ye samyn contract, assoillyeis simpliciter ye said harie watsoun defender from ye petitioun of ye persewar in ye said mater anent the spoliatioun of the said schip, ornaments yrof, guids and geir being yrin and profits of the same and from the haill poynts and articles contenit in the said summons and decernis him quhyt yrfra in tyme to cum

and siclyk the lords having consideratioun of the schortnes of tyme betuix the aryvell of the said schip at the port and heavin of leith upoun 26 day november 1599 and the intromissioun had be the said harie watsoun with the samyn schip, quhilk is allegit to haif bene in the said summons upoun the 1st day december yrefter, decernes and ordanes harie watsoun to refund, pay bak agane to ye said abrahame abircrumbie, cessiouner and assignay foirsaid, all the sowme of ane hundreth fiftie dollors ressavit be him in pairt of payment of the price of the said schip

and lykwys discharges ye said James rig cedent of his obligatioun maid be him to harie watsoun of the sowme of fyftie auld silver dolors of ye dait 4 november 1599 and suspends and discharges all executorialls that hes followit or may follow yrupoun in all tyme cuming

and lykwys as for certane causes and consideratiouns moveing thame hes simply fried and exonerit ayer of the said pairteis contracteris of yair pairts respectivlie of ye foirsaid contract and of all heids and articles yrof and suspends simpliciter all lrs raisit be ayer of ye said pairteis agains uyris for fulfilling yrof

and declaris all lrs and executorialls yat hes bene raisit be ayer of ye saids pairteis agains uyris for fulfilling of ony heid of ye samyn contract to have bene from the beginning and to be in all tyme cuming null and of na avall, force nor effect

and ordanes lrs to be direct heirupoun gif neid beis in forme as efferis

CS7/193/16v(Abircrumbie c Watsoun)

[from Register]

... in qlk actioun the said stewart and his deputs on yair pndit maner intends maist partiallie wrangouslie and wilfullie to proceid and gif furth ane maist partial and wilful decreit agains the persewars be reasoun the said laird of creich stewart foirsaid quhom befoir ye said pndit actioun is persewit and the said commendator stands in full thrids of kin of affinitie at ye leist consanguinitie

lyk as patrik glasfurd clark of ye said stewartrie is servitor dependar and pentioner of ye said commendator and hes ane yeirlie fialls of him at ye leist of ye erle of rothes his father

lyk as Jon balfour in falkland stewart deput, his wyffe callit bessie stewart ar in lykwys thrids of kin to ye commendator, persewar

as als Jon averie, uther of stewart deputs, hes borne gritt grudge hatred and malice agains ye persewar and - betoun of creich younger, said stewartis son and apparent air quha in Januar last with complices to ye number of 16 personnes all being in feir of werr came and seichit and socht william bonar for his slauchter stogit[=cut down]his bed with swordis and staffis and wald not have failit to have slaine him in cais they had apprehendit him

and swa ye stewart his deputs and clark ar altogidder partial suspect and not competent judges to the persewars

attour ye said mylne and dam pertene to yame in propertie sua yat yai have special entres to defend agains ye said pndit persute

quha and or soverane lords comptroller and advocat aucht to have bene speciallie summondit to have defendit yrintil and seing the same speciallie concerns his hienes and that the stewart and his deputs ar sua partial and suspect and incompetent judges the said mater sould be advocat to the lords and the said stewart and his deputs dischargit of all forder proceeding

anent the charge to ye commendator of lindoris, Jon balfour and Jon averie stewart deputs of ye stewartrie of fyffe to have comperit certane day bringing ye precept to have bene sein and to have hard ye stewart and his deputs decernit to be na judges competent to ye said persewar and the same advocat to the lords to have bene proceidit befoir thame as myt have bene proceidit befoir ye stewart and his deputs and thai dischargit of forder proceeding

henrie bonar of lumquhat mylne, Jon and william bonars his sons, persewars, comperand be Mr robert lintoun

the commendator of lindoris comperand be Mr robert leirmonth

he lords of counsall remits the actioun persewit at ye instance of ye commendator of lindoris agains henrie bonar, Jon and william bonars his sons befoir the stewart of fyffe again to ye said stewart and his deputs quhair the same tuik first beginning and ordanes yame to proceid and do forder justice to bayt the saids pairteis in ye said mater as yai will anser to god and his hienes upoun ye executioun of yair offices and yat notwithstanding the reasouns above contenit in ye lrs of advocatioun

and ordanes henrie bonar Jon and william bonars to pay to ye
persewar 10 punds debursit be him in obtening ye said mater remittit
togidder with fyve punds pntlie in ye hands of ye collector

lrs to be direct for payment upoun a simple charge of 6 days
allanerlie and uther lrs as efferis

CS7/189/109v (Bonar c Creiche)

[from Register]

... the lords remits the foirsaid actioun and caus of removing
pursuit be the said thomas mow agains John mcgill befoir the
proveist and bailleis of edinburt again to the said proveist and
bailleis and ordanes thame to do forder justice yrintil to bayt
pairteis as thay will anser to god and his hienes upoun thair
conscience notwithstanding the reasouns in the said supplicatioun

CS7/189/10v (Mow c McGill)

the Lordis of Counsall of consent of pairteis and procurators underwritten hes remitted and remittis the actioun and caus underwrittin persewit of befoir at ye instance of Johnne sprot indwellar in edinburt agains Janet stevinsoun laul dochter to umquhile andro stevinsoun of pitwoddie befoir ye proveist and baileis of ye said burt tuiching ye decerning of Janet Stevinsoun to mak payment to Johnne sprot of thrie scoir fyve pundis 1111 schillingis allet adettit be Janet to him for meit and drink furneist be Jon sprot to Janet conforme to certane particular lrs maid betwix thame lyk as contenit in ye particular advocatioun raisit be Jon Stevinsoun agane to ye saids proveist and baileis of edinburt befoir quhome ye samen wes first intentit and depends to be procedit befoir thame unto the finall end and decisioun yrof and ordanes thame to proceid and minister justice to bayt the saids pairteis as thay will anser to or soverane Lord yrupoun notwithstandand of ye saids lrs of advocatioun and ordanes lrs to be direct to ye effect foirsaid gif neid beis in forme as effferis ...

CS7/185/193v (Sprot v Stevinsone)

[from Register]

... the foirsaidis pairteis comperand ryts ressons and allegances being hard sene and understand and ye saids lords yrwith being ryplie advysit the lords of counsall remittis ye foirsaid actioun persewit be ye said william robertsoun agains ye said adame malice befoir ye said commisser of sanct androis agane to ye said commisser and decernis him to proceid and do forder justice in ye said mater unto ye final end and decisioun yrof as he will anser to god and or soverane lord upoun ye executioun of his office and yat in respect ye said william robertsoun being personallie present referrit and was content to refer befoir ye said commisser of sanct androis his said clame to ye said adame malice ayt of veritie

and ordanes lrs to be direct heirupoun gif neid beis in forme as efferis

CS7/191/92r (Rotsoun c Malice)

[from Register]

[action over stolen jewels to be heard before the provost and baillies of Edinburgh]

...and as the persewar[adrane bodwyne knokmaker, i.e. pur of action of advocacion]is informit the said proveist and bailleis intends maist partiallie to proceid agains him yrintil howbeit it is trew that the said proveist and bailleis ar naways competent to him in the said mater nor aucht not to be sufferit to proceid agains him for the ressons following

Becaus - thornetoun, spous to Johne cunninghame, persewar goldsmyt burges of edinburt, [i.e. pur of action before prov etc]is dochter to katharine stewart quha is sister germane to william stewart clerk of the said court and the haill effairis and proces of the samen burt is handlit and gydit be the said william stewart and the said proveist and bailleis, he being clerk of burgh quha is moder bruder to the said persewaris wyfe are very suspect judges to be sufferit to proceid agains the persewar

this devyse and persute of the persewar[i.e. Bodwyne]be John cunninghame is intendit be william stewart to draw him befoir the proveist and bailleis qr he is clerk himself and roulis and gydis the haill proces at his pleaser efter that the persewar hed causit appryse the said jowellis befoir thameselfis grin he sufferit ane lang delay and wes halden of be ye moyane of the said william stewart he being bot ane stranger and at last be inopportune sute and tinsell of lang tyme of his craft and awaiting on befoir the said bailleis the said william stewart doand and showand all the hinder he culd to the persewar he obtenit the said jowellis baith comprysit bruikit[?]conforme to the ordour of the burt as the extract shown to the lords beirs and seing this new persute agains the persewar for the said jowellis is onlie inventit to tak away his decreit of comprysing of the samen jowellis qlk tends to annullitie yrof and sua ather to compell the persewar to tyne the said jowellis and the sowme of silver qlk he gaif for yame efter lang dependance of pley befoir the proveist and bailleis, he being ane stranger and craftisman or els to heir him be langsum proces and be yat way to tak away the said decreit of comprysing, to the taking away qrof and renunceing of the samen the said proveist and bailleis are naways competent nor aut to be sufferit to proceid agains the persewar seing it is yair awin decreit

the jowellis wes laid in pledge to the persewar be margaret makcraiche spous to symon thornetoun ane of the offirs of the said burgh for ane certane sowme of money and for not payment to him of the samen conforme to the ordour of burgh, the said persewar causit laulie compryse and touk the said jowellis, the said margaret quha laid the samen in pledge and hir said spous wes laulie warnit to the said comprysing and sua the said John cunninghame gif he hes onie actioun to sute the said jowellis, he hes the samen actioun agains the said margaret mccraiche and hir said spous quha ar responsall and indwellaris wtin the burgh and naways agains the persewar in respect the samen was laulie comprysit geir be ane offir wtin the burt, he being responsall and in office, the said persewar being ane stranger that he suld be callit or onie uyr man for the samen and specialie befoir the proveist and bailleis quha ar makeris of the said offirs wtin the burt, and for quhais office thay ar and mon be anserable

and sua ther being for comprysit guid fra ane offir wtin the burt for quhais office the said provveist and bailleis mon be anserable and consequentlie ane warrand fra yame wer alsmeikill to admit thame as iudges as to admit the warrand to be iudge for the principal caus

and yrby to admit the pairtie self to be iudge qlk is agains all law
and resson thairfoir the proveist and bailleis ar na iudges
competent to the persewar and aucht not to be sufferit to proceed
agains him but sould be dischargit of all proceeding ...

...the lords advocatis the fairsaid actioun and caus persewit of
befoir at the instance of John cunninghame befoir the proveist and
bailleis agains the persewar to themselffis to be proceedit befoir
thame siclyk and in the samen maner as it micht or sould haif bein
procedit befoir the proveist and bailleis and dischargis the
proveist and bailleis of all forder proceeding yrintil and of thair
offices

CS7/190/29v(Bodwyne c Cunninghame)

[from Register]

...and to heir and sie the complener[Issobell Congiltoun relict of umgle Edward Olipheir in Fentoun]decernit to pay the violent profeits to david seytoun of wodderlie as cessiouner and assignay constitute be umgle Mr Johne moscrop to the samen violent profeits, in qlk actioun the syref deput intends to proceid albeit he be suspect to decyde yrintil becaus the said Ser william and the said david seytoun ar secund and thrids of kin, lyk as the same self decreit and actioun is persewit annd depending befor the saids lords of befoir at the instance of patrik moscrop sone and air to umgle Mr Jon and thairfoir the said mater being first intentit befoir the lords of counsall at the instance of the said patrik agais the said complener, the said secund persute intentit of new befoir the said syreff aut and sould be advocat to the lords of counsall last, umgle Mr Johne moscropis titil persewit be bayt the saids pairteis grupoun bayt yr assignatiouns proceidis, proceidit onlie upoun ye[word missed out]of umgle william erle of gowrie the said compleneris authour, purchast be ye said umgle Mr Johnne be ye keiping and inspectioun of the said compleneris evidents, the said umgle Mr Jon being hir procurator to the decisioun grof the said syreff nor na inferior iuge within this realme can be iuge competent bot the samen aut to be advocat to the lords of counsall

...the lords hes remittit and remits the said actioun and caus abovespecifeit persewit be david seytoun agais the complener in the said mater agane to the syref of haddingtoun and his deputs to be decydit be thame unto the finall end and decisioun yrof and ordanes thame to proceid and minister iustice yrintil as thay will anser to or soverane lord yrupoun notwithstanding of ye ressope and caus abovewrittin of ye saids letters

CS7/185/294r(Seytoun c Congiltoun)

...in qlk actioun the saids bailleis intends to proceid and gif decreit condemnator agais the complener[Alexander Miller Mr tailyeor to his majestie]maist partiallie howbeit thai be not iuges competent to him considering that richard dobie, ane of the bailleis of the burt[of Edinburt]is father to the said John dobie [defender]lyk as the said richard hes oppinlie sittin in iudgment and callit ye said actioun and hes repellit divers relevant exceptiouns proponit be ye complener and sua opponis himself to the said complener as pairtie and will not delyver himselff and siclyk the said pndit pursute being above ye sowme of 500 merks aut onlie to be provin *per scripta vel iuramentum* be the pairteis, grupoun the complener haifing proponit ane exceptioun, the said richard dobie causit repell the samen and forder the said thomas fell[also defender]pretending richt to the said fustianis or pryces yrof, hes also intentit actioun agais the said complener befoir the bailleis for the samen, sua that the complener is doublie persewit and convenit for the said fustiane qlks doubill persutis can not be decydit be ye saidis bailleis bot the samen aut to be advocat to the lords of counsall as onlie iuges competent yrto

CS7/185/295r(Dobie c Miller)

[from Register]

ane contract and appointment maid at glasgow 24 october 1542
...actit and registrat in ye official buiks of glasgow for ye tyme
grupoun he[George Conynghame of Robertland, assignay to ye said
contract]hes intentit actioun and caus agains ye persewar[Alexander
Fleming of Barrochan]befoir Mr william chirnesyd of luss and robert
chirnsyd of ovirpossill his son, commiseris of glasgow tuiching
decerning of ye said contract to be transferrit in him active and in
ye persewar *passive*

in ye qlk actioun of transferring ye saids commiseris intends maist
partiallie to proceid and gif decreit condemnatour agains ye
persewar

notwithstanding that thai be na judges competent yrto bot be
alluterlie suspect to cognosce yrintil be reasoun that Mr william
chirnesyd mareit geillis colquhoun quha was dochter to ye laird of
luss and mother to ye said robert chirnsyd, qlk geillis colquhoun
was sister germane to - colquhoun ladie aikit quha was guidman to ye
persewar sua that Mr william is attingent in affinitie to him and ye
said robert chirnsyd his son and ye said george ar standing in full
second and thrid degreis of consanguinitie and thairfoir suspect and
naways competent to ye persewar in ye said actioun agains ye qlk he
hes mony and infalabill arguments and reasouns to elyd ye same and
becaus thai ar mair proper agains ye actioun itself not uyrwayis
reasouns of advocatioun he will reserve thame to yat effect to be
proponit befoir a newtrall judge

to wit ather befoir the lords of counsall or yit ye commiseris of
edinburt befoir quhom ye persewar is content to defend yrintil as
accords

...the lords remits the foirsaid mater to Mr harie gibsoun quhom the
lords creatis and nominats commiser in yat pairt and ordanes him to
minister justice to bayt ye saids pairteis as he will anser to god
and or soverane lord upoun ye executioun of his office and
discharges ye said Mr william and robert chirnesyds of yair offices
in yat pairt ...

CS7/189/290r (Conynghame c Barrochane)

ADVOCATION

88,

James be ye grace of god king of Scottis to or lovittit (BLANK) messingeres syreffis in yt part coniunctlie and severalie specialie constitute gretting fforsameikle as it is humelie menit and schawin to us be or lovitt george sandersone talyear burges of or burt of edinburt that quhair sibella neisbit spous to capitane thomas ewing and hir said spous for his entres hes intentit actioun and caus agains ye said complener befoir ye provest and bailleis of or said burt to heir and sie him decernit to have done wrang in ye wrangus violent and allegit spoliatioun and awaytaking fra hir and hir said spous of certane lintaill stanis affixit almreis pentit clais presses bedis and tymmer wark extending to greit valor and quantetie in maner and at lenth contenit in hir and hir said spous clame gevin in agains ye said complener yranent to ye qlk actioun and caus albeit he hes guid and sufficient arguments and defensses to elyd and tak away ye samen the baillie pnt. settand in iugment to wit thomas geddes is veray suspect iuge of ye said george in ye said mater as also johne neisbit quha is ane of ye clerk deputts of or said burt quha is bruyer to ye said sibella Becaus yr is pnt. contraversie and debait standand ovir betuix the said complener and ye said thomas geddes for contraversie of nytborheid of ane tenement of land by and in Libertownis wynd heid nixt adiacent to ye said thomas land lyand yrto Quhairupoun he having almaist upbigit the waist of ye samen to be preiudiciall to him obtenit command the said thomas geddes in his pndit. maner and be his moyane he beand ane baillie allegeand ye samen to be preiudiciall to him obtenit and sterit up the dene of gild and his counsall agains ye said complener commanding him to desist and ceis fra all foryer biging and insisting in ye said work notwtstanding eftir divers supplicatiouns gevin in be him to ye counsall of or said burt of ye said inniquitie and oppressioun done be ye said thomas to him quhairintill thay at all tymes fands the said thomas to have done wrang in staying of ye said complener in biging of his said work And the said thomas beand baillie as said is and pntlie. sittand in iugment be reasone of ye said contraversie of nytbourheid betuix him and ye said george qlk wea fund be ye consall of or said burt to have bene done wranguslie be him for his pt. the said thomas geddes is veray suspect to be iuge to him in ye said mater nor nane uyer of ye baillis of or said burt insafar as thay and every ane of thame cognocis and assistis wt uyeris in yr advis

Lyk as Johne neisbit bruyer to ye said pursewar be ye motioun and occasioun of ye said baillie may proceid and gif quhatsumevir act interlocutor or decreit aganis ye said complener in ye said mater qrby thay are veray suspect to be iuges to him in ye said mater And yrfoir thay aut not nor na uyeris of ye saids bailleis to proceid yrintill bot to be advocatit to ye lords of or counsale for ye ressonis and causes foirsaid as is alleget

OUR WILL IS heirfoir and we charge yow that ye lauchfullie summond warne and charge the said sibella neisbit and hir said spous and the saids bailleis of or said burt of edr. to compeir befoir us and or counsale at edinburt or quhair

it sal happin us to be for ye tyme the xviii day of maii
instant in ye hour of caus wt continewatioun of dayis
Bringand wt yame the saids proces dependand in ye said
mater againis ye said complener to be sene and considerit
be ye saids lords and to heir and sie ye samen advocatit to
yame for ye causes foirsaidis and uyeris to be proponit and
allegeit be ye said complener yrthrew and for ym to anser
at his instance in ye said mater sa far as law will and
intimatioun as efferis

ATTOR we and ye lords of or counsale be ye tenor heirof
dischargeis the saids bailleis or ony of yame of ony foryer
calling or preving in ye said mater and of yr offices in yt
pt. in ye menetye qll ye xxiiii day of ye samen moneth for
ye ressonis and causes abovewritten according to iustice as
ye will anser to us yrupoun the qlk to do we commit to yow
coniunctlie and severalie or full power be yir or lres. sen
ye delivering yame be yow deulie execute and indorsat agane
to ye beirer gevin under or signet at edinburt the nynt day
of maii and of or regne ye xxxiii yeir 1600

Ex deliberatione dnorum. consilii

Alayng

x maii

J Makgill (sign for W.S.)

CS15/78/70

(Sandersoun c Neisbeit)

[from Register]

...in qlk actioun the commisser of sanct androis intends to proceed albeit he be not iuge competent yrintil becaus he duells wtin the bounds of the commisariat of dunkeld lyk as ye det acclamat of him is ane det allegit awand to the umqle bischope of dunkeld sua that *neque ratione rei neque persona* is the commisser of sanct androis iuge competent to him, qlk declinator being proponit be ye complener, the commisser hes repellit the samen, qlk decairis his partialitie in the said mater

and farder, the actioun is civill and profane and sua not proper to the commisseris iurisdiction, lyk as all commissers be yr iniunctiouns ar expreslie inhibit to iuge in ony civill caus and thairfoir the said mater aut to be advocat to the lords and the said commisser dischargit of all forder proceeding yrintil and of his office in yat pairt for the causes foirsaidis

[...the lords being ryplie advysit hes remittit and remits agane to the commisser of sanct androis etc]

CS7/185/296v(Creichtoun c Murray)

[from Register]

... gilbert atchesoun hes intentit ye pndit clame [for aucht scoir punds money]and actioun agains the persewar[Jon finlasoun]befoir ye provost and bailyeis of edinburt to have hard and sene him decernit to subscrivye ye said obligatioun as cautiouner in quhilk pndit actioun ye saids provost and bailyeis intends to proceid and gif decreit condemnator agains him yrintil **pairtiallie, wrangouslie and wilfullie** albeit thai na wayis ar nor can be judges competent to him in ye said mater be reasoun it is of veritie yat ye persewar hes na maner of dwelling nor residence within ye said burt but hes actuell dwelling and residence with his wyffe, hail familie and houshold in ye towne and lands of ottislie far outwith the jurisdictioun of ye said burt within ye syrefdome of edinburt, lyk as ye persewar, his wyffe and familie hes maid thair actuel dwelling and residence yair divers yeirs bygane

and nathing is allegit agains him to mak ye provost and bailyeis judges to him in ony caus nather be band, promise or ony uyr deid done be him within ye said burt qrbv he is na wayis hauldin to compeir befoir ye said provost and bailyeis but is onlie subiect to compeir befoir ye lords of counsall or syreff of edinburt or his deputs as his onlie judges in ye said mater conforme to ye lords daylie pratique observit in sic causes

lyk as ye persewar comperand be his procurator befoir ye provost and bailyeis of edinburt and proponand ye said exceptioun declinator quhilk in ye self is maist relevant and notorlie knawin togidder with sundrie defensses lykways for elyding of ye said pndit persuit, the said provost and bailyeis hes maist wilfullie and partiallie repellit ye samyn without ony sufficient anser maid yeto as ye clame and minutis maid yrupoun will testifie

in respect qrof ye provost and bailyeis can be na judges competent to ye persewar in ye said mater bot ye samen aut to be advocat to ye lords as onlie judges competent yrto and ye provost and bailyeis dischargit of forder proceiding ...

... the lords remittis ye actioun and caus ... again to ye provost and bailyeis quhair ye samyn tuik first beginning and ordanes thame to proceid and do forder justice as thai will anser to god and or soverane lord upoun ye executioun of yair offices notwithstanding of ye ressouns above contenit in ye lrs of advocatioun

CS7/189/312r(Ffinlaysoun c Achesoun)

[from Register]

... albeit ye saids persewars [William Tyrie elder and William Tyrie younger his son and apparend air] hes special entres to obiect agains ye said service[of serving] Cristiane Tyrie dochter to umquhile Sir James Tyrie eldest son of umquhile Robert Tyrie of Busleis and Jon Smyt her spouse, defenders, heritabill fewars of ye said lands of busleis hauldin immediatellie of or soverane lord, as ye persewars infeftment beirs, yit ye said syrefff and his deputs[of Perth] can na ways be sufferit to proceed in ye said service for divers causes

first it be it advertit[?] to cut away ye said persewaris heritable infeftment of eister and wester busleis,, being ane mater of gritt wecht and consequence, and thair is **deidlie feud standand unreconceillat** betuixt frances erle of erroll, the saids persewars and yair freindis of yat hous on ye ane pairt and Jon erle of gowrie syrefff of perth and his freinds on ye uyr pairt, throw ye crewell hurting and wounding of george hay of seyfeild, ye said erle of erroll father brother and ye said persewaris mother brother sone committit be george ruthven father brother to ye said syrefff principall, qthrow ye saids persewars nor nane of yame nor yair freinds may not pecablie repair within ye said syreffis jurisdictioun and syrefff court of perth to produce yair heritable infeftments of yair said auld heritage and defend in ye said pndit service without convocation of yair special freindis biddin as ye saids persewars wilbe summondit qlk wald not faill to ingender gritt inconvenientis

secundlie ye saids lands of eister and wester busleis lyis within ye lordschip and regalitie of methven and syreffdome of perth qrof ye said erle of gowrie is syrefff and ye said laird of clakmannan is vassell and servand to him, lyk as his umquhile father and he hes given his **bond of manrent** to ye said syrefff and his predecessors and hes bene actuall dependars on yame, and yairfoir yai ar **suspect** to decyde or to be judges in ye said mater bot ye samyn aut to be advocat to ye saids lords at ye laist remittit to judges unsuspect

CS7/191/93v (Tyrie c Tyrie)

SHERIFF OF AYR AND HIS DEPUTIES CANNOT BE COMPETENT JUDGES TO SERVE 92
PURSUER AS HEIR

[from Register]]

... nor yit can ye syrefff of air nor his deputs be judges competent to ye said persewar in ye said service[of serving him as nearest lawful heir] becaus ...

always ye said syrefff of air and his deputs can be na judges competent to ye persewar be resson of ye notorious deidlie feud standing betuix ye erle of glencairne his kin and friends and dependants on ye ane pairt and ye erle of eglintoun his kyn, friendis and dependants on ye uyr pairt

qlk erle of glencairne and his foirsaidis ar exemit fra ye office and jurisdictioun of ye said syrefff of air and renfrew and bailye of conynghame, as is notor to ye lords of counsall, and it is of veritie yat ye persewar is dependar upoun ye said erle of glencairne and hauldis ye 20schilling land of corsbie qrof ye saids lands of gilmanol and ladiesyd grunto ye said laird of kilburnie desyres to be servit of ye said erle of glencairne in propertie,

and sua it is suspitious to ye persewar to repair to ye towne of air being ane dependar upoun ye said erle of glencairne quha and his foirsaidis ar exemit

forder ye said syrefff of air is altogidder suspect to be judge to ye persewar be resson yat umquhile helen campbell ladie kilburnie was ye said syreffis father sister sua yat yis persuar of ye service and ye judge ar secund and thridis of kyn,

thairfoir ye said syrefff and his deputs aut to be dischargit of all forder proceeding and ye said service to be deducit befoir ye ordinar meisyrs[?] or sum uyr competent judges laulie usit ...as ye saids lords sall appoynt ...

ye lords remittis ye said service persewit of befoir at ye instance of Jon crawfurd befoir ye syrefff of air and his deputs agane to thame qr ye samyn tuik first beginning and yat notwithstanding ye haill ressonis of advocatioun ...

and ordanes ye said syrefff and his deputs to proceid and do justice in serving of ye said breiff as yai will anser to god and or soverane lord upoun ye executioun of yair office

CS7/191/114r(Auchinaines c Kilburnie)

[from Warrants and Decrees]

... shown be patrik crawfurd of auchinnanes that quhair Johne crawfurd of kilbirnie as ye complenar is informit hes laitlie purchast ane breiff and causit proclame the same for serving of him befoir our syref of air and his deputs as narrest and lauchfull air to umquhile lawrence crawfurd of kilbirnie his grandser[=great grandfather] foir grandser or sum uyris his predecessors of ye lands of over and nether manokis and gill, baillyerie of cunninghame and syrefdome of air

intending to obtene himself servit and seasit in ye saids lands albeit he hes na richt

nor yit can or syref of air nor his deputs be juges competent to ye said complenar in ye said service for mony causes

they can not be juges competent be reasson of the notorious deidlie feud standing betuix ye erle of glencarne, his kin, freindis and dependeris and ye erle of eglintoun, quhilk erle of glencarne and his foirsaidis ar exemit fra ye office and jurisdiction of or syrefs of air and renfrew and ye baillyerie of cunninghame as is notorlie knawn to ye lordis of counsall

and ye complenar halds ye twentiepund land of corsbie quhair of the lands of gill, manokis and ladiesyd are ane pairt quhairunto the laird of kilbirnie desyres to be servit, of ye said erle of glencarne in propertie

and swa it is suspitious to ye complenar to repair to ye toun of air etc be reasson helene campbell ladie kilbirnie, guid dame to ye laird of kilbirnie was ye syrefis fatheris sister ...

[Note at side]

Bayt ye pairteis referris yis to ye lords
ane of ye pairteis ar under assise

xvi Julii 1600

remittis this mater notwithstanding tha haill reassons lit

CS15/79/68 (Crawfurd c Crawfurd)

[from Warrants and Decreets]

... the commiser be na juge competent yrin ...

the said commiser is verie suspect ...in respect of the deidlie feud and inimitie standand as yit unreconcillit or taiken away betuix the kin and frends of umquhile thomas baillie younger of cornestoun and Jon lindesay of levingstoun[?Covingstoun] father to or commiser his breyer kin and frends for the slaughter of the said umquhile thomas committit be Jon lindsay his sons and yair partaikers,

quhilk umquhile thomas wes the said compleneris[Jonet baillie]verie neir kynsman and attingent to hir in consanguinitie as salbe verifeit in presens of the lords of counsall, sua that in respect yrof our commiser will not fail to proceid in hir contrair

secundlie the commiser is suspect in ony actioun persewit be James gray contra hir for caus or said commiser is the said James grayis Mr and the said James is his servand and as the said actioun is pursuit purposlie betuix or said commiser and the said James be manifest collusioun betuix thame and the ane half of the - and commoditie yrof will pertene to or commiser and the uyr half to James, sua that or commiser is baith juge and pairtie and will not fail to proceid in the said compleneris contrair lyk as he hes repellit certane hir maist relevant defensses proponit be hir

in respect quhair of the said actioun and caus aut and suld be advocat to or lords of counsall at ye leist committit be yame to juges unsuspect befor quhome and quhair the said complener is content to defend ... and or commiser and his deutes dischargit of all farder proceeding yrin and of yr offices in yat pairt in tyme cuming as is allegit ...

CS15/78/35 (Baillie c Gray)

ADVOCATION TO THE LORDS BECAUSE STEWART AND HIS DEPUTIES INTEND TO ^{95a}
PROCEED MOST PARTIALLY

[from Register]

... ye said stewart and his deputs intends to proceid **maist partiallie** agains yame in ye said mater howbeit it is trew that ye said stewart and his deputs ar na juges competent to ye persewar in ye said mater nor aucht not to be sufferit to proceid agains thame yrintil for ye reasouns and causes following

becaus Jon lord maxwell quha is **stewart principal** of ye stewartrie is secund and thrid of kiin with dame elizabeth maxwell spous to sir Jon gordoun, intenter and persewar of ye said pndit actioun and was dochter to umquhile Jon lord herreis guidser broyer to Jon now lord maxwell now minor and ye said stewart and his deputs ar na juges competent to yame in ye said mater

alexander maxwell quha is **stewart deput** of ye same stewartrie is equal of kin and als attingent of bluid to ye said dame elizabeth maxwell ladie lochinvar

but als thair is certane grudge and malice debatabil standing yis lang tyme bygane betuix ye persewar and his tenentis and servands as sum of ye said lords number knawis and sua in respect yat ye said stewart principal is now minor and ye said alexander maxwell his deput foirsaid quha beiris ye said persewar at evil will is now onlie juge and doeis quhat lykis him in ye said court

and sua ye said stewart and his deputs ar naways to be sufferit to proceid agains ye said persewar yrintil becaus ye persewar is not onlie possessor bot alsua tenant to ye prejudice of ye persewaris heritage and sua ye same pursuit concerning ane heritabill ryt, ye said stewart and his deputs can naways be juge competent yrto ...

INVERTING DECREE OF LORDS NOT TO BE SUFFERED IN AN INFERIOR JUDGE

finallie it is certane that ye persewar hes obtenit not onlie decreit of removing befoir ye saids lords agains william gordoun decerning him to remove himself etc, grupoun ye said persewar hes obtenit actioun of violent profits agains him and his complices for wrangous occupatioun of ye samyn lands of mekill cullingauche within ye said bounds and merches qlk sir Jon gordoun and william gordoun hes designit in yair lybill to pertene to ye said lands of lytill cullingauche and hes provin sufficientlie yat yai have occupeit ye saids lands being within his heritage sua that gif ye said stewart and his deputs be sufferit to proceid to invert ye said decreit and probatioun alreddie led befoir ye saids lords **qlk aucht not to be sufferit in ane inferior juge** bot ye said mater aucht to be advocat to ye saids lords and thai dischargit yrof ...

CS7/189/423v (Cokpuill c Lochinvar)

The Lords of Counsall hes givin and grantit lyk as be ye tenor heirof gifis and grantis full power and commissioun to Mrs thomas gray and thomas mawer advocats coniunctlie to decyde ye said matter of molestatioun persewit at ye instance of ye said sir Johne gordoun of lochinvar and his saids tenants agains ye saids persewar conforme to ye clame alreddie givin in befoir ye said Johne lord maxwell stewart of ye stewartrie of kirkcudbryt or ony uther clame to be gevin in be yame yranent and als to decyde in quhatsumevir caus of molestatioun to be intentit be ye saids persewaris agains ye said laird of lochinvar and his tenent concerning ye meittis and merchis of ye saids landis and ordanit ye saids juges to sitt in ye towne of edinburt and discuss ye haill pairteis defenses and allegaunces in ye said mater and efter ye discussing yrof to use ye haill forme and maner prescryvit be ye act of parlement anent molestationis with power to ye saids juges to cheis clark servandis and utheris memberis of court neidful as thai sall think expedient and ye saids twa juges being bayt personallie present maid fayt that thai sall leilie and trewlie minister justice to aither of ye saids pairteis in baith ye causes abovewrittin ...

CS7/189/423v (Cokpuill c Lochinvar)

[from Register]

...in qlk actioun the saids proveist and bailleis intends to proceed and give decreit agains the saids compleneris albeit thay be na iuges competent yrin for the ressones following

first the saids proveist and bailleis ar verie suspect to iuge in the said caus becaus robert rowat persewar is ane of the present bailleis of the said citie and sa bayth iuge and pairtie

secondlie the saids dettis qrfoir the compleneris ar persewit befor the proveist and bailleis ar testit guidis qlks aucht to be persewit befor the lords of counsall or befor the commisser of glasgow as onlie iuges competent yrto and ye said proveist and bailleis aucht na ways be sufferit to proceed yrintil

last, the complener as exerix to hir umqle spous, having intentit actioun of exoneratioun befor the said commiser of glasgow, sche obtenit decreit of exoneratioun and of hir intromissioun wt the guidis and geir of hir umqle spous as the decreit beirs

qlks declinators and everie ane of thame the said complener and hir said spous be yair procurators in thair names proponit in the said actioun befor the saids proveist and bailleis quha repellit the samen quha notwtstanding yrof intends maist partiallie to proceed in the said caus and thairfoir the said actioun and caus aucht and suld be advocat to the lords of counsall at ye leist remittit be thame to the saids commissers of glasgow to be decydit be him or thame as onlie iuges competent yrto as accords of the law and the saids proveist and bailleis aucht and suld be simpliciter dischargit fra all proceeding yrin in tyme cuming

CS7/185/214r (Rowat c Cunninghame)

[from Register]

anent the summons raisit at the instance of Mt thomas hammiltoun of drumcarne advocat for his hienes entres and robert grahame of thornik donator agaisn nicolas dowglas relict of umgle Johne Johnstoun of that ilk and uyris pretendand to have entres makand mentioun quhair be the acts of parliament etc that qr ony persoun is orderlie denuncit rebel and put to the horn and abydes under the proces attour yeir and day unrelaxt yrfra that persoun swa denuncit amits and tynes his lyvrent of all mails fermes and dewteis of the lands heretages annuelrents and the samen returns in the hands of the immediat superiors yrof and pertenis to thame and thair donators and uyris havand ryt of thame induring the lyftyme of the persoun denuncit and sustenand proces of horn lyk as the guids and geir and debts pertene to or soverane and ar at his majesteis dispositioun be reasoun of escheat

and trew that 19 Julii 1583 nicolas dowglas relict of umgle Johne Johnstoun of that ilk was orderlie denuncit rebel and put to the horn be vertew of uyr lrs in 4 formes raisit at the instance of robert Johnstoun persone of lochmabine executor to umgle eizabeth Jardane for not making payment and restitutioun to the said robert of the thrid pairt of the guids and geir debts and sowmes of money specifeit in the said lrs intromittit with be umgle Johne Johnstoun pertening to umgle elizabeth Jardane and for not making payment of the samen guids and geir or the avails as contenit in the lrs and executorialis yrof

under qlk proces of horn the said nicolas dowglas hes contemptuousslie lyne and abydin attour yeir and day efter the denunciatioun not relaxt

qrthrow not onlie fell the corns and cattle guisa and geir debts sowmes of money actions gifts in his hienes hands and at his dispositioun but also nicolas tint the lyferent of the lands etc haldin be hir immediatelie of or soverane lord and the samen fell in his majesteis hands

... be or soverane lordis lr of gift under the privie seill 23 Januar 1583 grantit to robert grahame his airs and assignayes the escheat of the uyr lrs of gift of the waird nonentres mails fermes profeits and dewteis of the lands of thornik

viz 6 merkland of over thornik with place and miln

6 merkland of nether thornik with lands betuix aven and skillingalholme

6 merkland of seluell[?]

2 merkland of coittis 40shilling land of the tua brigends and tua merkland of the ker

the pertinents of 25merkland of thornik stewartrie of annandaill syrefdome of drumfreis

qlk gift of waird nonentres mails etc pertenit of befoir to nicolas dowglas and now perteis to or soverane and be his lrs penult Junii 1584 grantit to robert grahame of thornik the lyvrent etc and speciallie of the fourscoir merkland of thornik qrintil nicolas dowglas is infest as the 2 lrs of gift proportis

thairfoir robert grahame of thornik aut to have declarator upoun the said tua gifts

anent the charge to the defenders to have comperit to have hard declarator

or soverane lordis advocat pllie pnt

97₂

robert grahame of thornik comperand be Mrs william oliphant and
henrie balfour
nicolas dowglas comperand be Mrs Jon scharpe and Johne moncreiff

the lords declaris that niicolas dowglas was orderlie denunciit rebel
and put to the horn 19 Julii 1583 ... and remanit attour yeir and
day unrelaxt... guids pertene to robert grahame
becaus it was allegit be Mrs scharpe and Jon moncreiff for nicolas
dowglas on 23 Julii 1598 that the defender aut to be simpliciter
assoilyeit of the summons and na declarator aut to be grantit upoun
the gift of the defenderis lyvrent becaus nicolas dowglas was laulie
relaxt fra the horning within yeir and day efter the denunciatioun
and it was allegit that na declarator aut to be grantit of the
defenderis escheat or lyvrent be vertew of the said horning becaus
the horning is reducit at ye leist declarit null

qlk 2 allegances wer fund relevant and admittit to nicolas dowglas
probiatioun ... termes wer assignit and sche failyeit in proving
... lrs to charge nicolas dowglas upoun 6 dayis to pay to robert
grahame ten punds and 40 schillings to the lords collector

CS7/186/324v(Graham c L Johnstoun)

[from Register]

anent ye summonds raisit at ye instance of Mr thomas hammiltoun advocat to or soverane lord and hew gordoun of grange agains Johnne mcghie in barquhill and all pretending to have entres

makand mentioun that quhair hew gordoun is donator to or soverane lord and hes be gift to him, his airs and assignays ane or ma the escheit of guidis moveabill and unmoveabill, debts, takkis, steddings, rowmes, possessiouns, actis, actionis, decreits, sentences, contracts, assignations, obligatiouns, corns, cattel, insicht, plenisching, sowmes of money, gold, silver, cunzeit and uncunzeit, and uyr guidis and geir quhatsumever quhilks pertenit of befoir to Johnne mcghie in barquhill and now pertene to or soverane lord, fallin and becum in his hienes hands and at his gift

throw being of ye said Johnne mcghie orderlie denuncit rebel and put to ye horne upoun 26 Januar last for not payment making to gawing dumbar of baldone collector appointit for ingaddering of ye taxatioun taxt for beilting and repairing of ye kirk of kirkyunnir of ye sowme of 6s 8d money as taxatioun of everie merkland of ye 4 merkland of creochis conforme to ye taxt roll maid yranent

as in his lrs of horning raisit yrupoun, executorialls and denunciatioun yrof dewlie registrat and lrs of gift grantit to hew gordoun yrupoun

and trew it is that Johnne mcghie wes orderlie denuncit rebel and put to ye horne at the instance of gawin dumbar for ye causes abovewrittin on 26 Januar last quhairthrow all and sundrie his guidis and geir etc becum in or soverane lordis hands and at his gift be reasoun of escheit and the same escheit, guidis and geir, debts and uyris abovewrittin aucht to be decernit and declarit to have appertenit and to pertene to hew gordoun as donator, to be upliftit be him conforme to ye saids lrs of gift

and anent the charge to Johnne mcghie and all pretendand to have entres to have comperit befoir the lords of counsall at ane day bygane to have hard and sene it be fundin and declarit be decretit in maner underwrittin

Mr thomas hammltoun of drumcarne personallie present

hew gordoun, donator, comperand be Mr thomas mawer

and Mr Johnne mcghie and all pretending to have entres being summondit and not comperit

the lords declaris that Johnne mcghie was orderlie denuncit rebel .. guidis and geir quhilks pertenit of befoir to Johnne mcghie in barquhill pertene to hew gordoun, donator, conforme to his lrs of gift, quhilk with ane extract of ye lrs of horning furth of ye syreff clerkis buiks of wigtone and subscryvit be michael cochrane syref clerk yrof, previt ye points of ye summonds

lrs gif neid beis in forme as efferis

CS7/191/392r(Gordoun of Grange c Dumbar)

EXTRACT FROM THE REGISTER OF PRIVY SEAL[re DECLARATOR OF ESCHEIT OF
GEORGE ROSS OF BALNAGOUN]

[from Warrants and Decrees]

Ane lre maid to Johne gordoun sumtyme servitoure to ser patrik murray of gamyis knicht, alexander denbur in wester rorechie, thair airis and assignayis coniunctlie of the gift of the escheit of all guidis movable and unmovable dettis takis steddings rouses possessiounis cornes cattell hors nolt scheip insicht plenesing actis contractis actionis obligationis decreittis sentences pensionis[?] evidentis sounes of money jewellis old silvir cunzeit and uncunzeit merchand wairis and utheris guidis and geir eschetable, quharsumever quhilkis pertentit to george ross of balnagoun, alexander clunes of eister gany, donald ross portioner of midgany, william Innes portioner yairof, willame ross of dunskeyth, alexander mansoun in glasgowlicht, Johnne ross of mildarg, Johnne denour portioner of litle raine, david denune his sone yair, andro douglas in the denn of ferne, Johnne vaus yr, alexander vaus in eister rorecheis, Johnne makamoon in catboll, [blank] mcwilliamour thomas thair, alexander tailziour sone to donald tailziwure burges of tayne, Johnne patersoun in catboll within ross burges of tayne, alexander hay burges yair, donald tailzwur yair, kennoch cordiner yair, evie wricht yr, Johnne reid andersoun yair, Johnne makwillame makallowfur yair, and now pertening to oure soverane lord fallin and becum in his hienes hands and at his gift and dispositioun be resoun of escheit

throw being of ye saidis personis orderlie denuncit rebels and putt to oure soverane lordis horne for ye causes reptlie underwritin

that is to say throw being of ye said george ross of balnagoun denuncit rebell and put to his hienes horne be vertew of lres direct at the instance of abrahame dewar burges of birrhen for not seiking taking and apprehending of ye said alexander clunes, donald ross, wam Innes, wam ross, alexander mansoun, Johnne ross, Johnne denune, andro douglas, Jon vaus, alexander vaus, Johnne mcainry, [blank] mcwillame mcthomas, Johnne patersoun, alexander hay, donald tailziour, alexander tailziour, kennoch cordiner, evie wricht, Johnne reid andersoun, Johnne mcwillame mcallesterhis hienes rebellis

or throw being of ye said george ross denuncit rebell and put to or soverane lodris horne at ye instance of thomas mow merchand burges of edinburt ffor not payment to him as cautiouner and sourtie for andro ross merchand burges of tayne of ye soume of tuelf pundis money for everie boll of twenty sex bolls victuall conforme to yr lres obligatoures grantit to ye said thomas mow yranent

and throw being of ye said george ross ordourlie denuncit rebell and put to ye horne at ye instance of alexander young ane of ye Ischearis of oure soverane lordis chalmer ffor not payment making to him of certane dewteis maills and teinds of ye said george toun and landis liand within ye parochin of kincardin

and throe being of ye said george ross ordourlie denuncit rebell and put to his hienes horne at ye instance of andro monro ffor not fulfilling of ane decreit of cognitioun transferrit in him as air to umquhile alexander ross of balnagoun his fader for not demolishing of certane houses biggit be ye said george ross upoun the commountie of balnagoun and not remedit

or throw being of ye said george ross ordourlie denuncit rebell and put to his hienes horne at ye instance of Mr thomas nicolsoun ane of ye advocatts of or soverane lordis sessioun ffor not payment to him of ye sowme of tua hundreth tuentie pundis money for ane certane dett restand awand be ye said umquhile alexander ross of balnagoun to umquhile James nicolsoun father to ye said Mr thomas

or throw being of ye said george denunceit rebell and put to his hienes horne at ye instance of robert prestoun burges of edinburt for not fulfilling to him of ye points of ane obligatioun and not payment to him of certane soumes of money yrin contenit

or throw being of ye said george ross denuncit rebell and put to his hienes horne at ye instance of quhatsumever uther persoun or persounis for quhatsumevir caus or reasoun bigane preceeding ye day and dait heirof

and throw being of ye saids alexander clunes, donald ross, williame Innes, williame ross, alexander mansoun, Johnne ross, Johnne denune, david denune, andro douglas, Johnne vaus, alexander vaus, Johnne mcanroy, [blank] mcwilliame mcthomas, Johnne patersoun, williame ross, alexander hay, donald and alexander tailzioures, keynoch cordiner, evie wricht, Johnne reid andersoun, Johnne mcwilliame mcallester denunceit rebellis and put to ourre soverane lordis horne at ye instance of ye said abrahame dewar for not payment to him of certane soumes of money contenit in ane decreit obtenit be him befoir his [smeared]admiral agains thame ffor spoliatioun of ane schipe callit ye thomas of birrhen and certane gudis and geir yrin contenit pertening to ye said abraham drevin into the schore of underauchboll in ross as in ye saidis lres of horning reptlie executionis indorsationis denunciatiounis and regrationis thairof at mair lenth is contenit

with power etc

At halirudhous the aucht day of februar the yeir of god M and sex hundreth yeiris

*hic est vera copia abbreviationis litterae
prescriptis contentis[?] in libro sigilli S D N Regis extractus de
eodem copiat et collationat per me danielem hay notarium publicum ac
eiusdem secreti sigilli scribam*

CS15/77 (Dewar c Ross of Balnagoun etc)

[from Warrants and Decrees]

REX

Chancellor President and Senators of or college of justice
fforsamekle as in the actioun persewit at the instance of andro
edmostoun of that ilk and Mr alexander king advocat his cautiounar
befor yow desiring or uyeris lres rasit and execut agains yame for
payment of ane thousand merks money to Jean sandelandis dochter
lawchtfull to ser James sandelandis of slamanno knicht and frances
wauchop hir spous for his interes addettit to ye said ser James and
assignit be him to his said dochter

it is proponit for ye pairt of the saids andro and his cautiounar
that seeing it is speciallie providit be act of or parliament yt ye
bairnis and posteritie of frances sumtyme erll boithwell and sik as
war pairtakkaris wt him in his treasonable attemptatis agains us and
forfaltit yairfoir suld enjoy na landis nor rents nor brouk na uther
commoditie wtin or realme and yat umquhile archibald wauchop fader
to ye said frannces spous to the said Jean assignay foirsaid wes not
ane pairt of ye saids treasonable attemptatis and swa ye said
frances is made unable to brouk ony benefice or commoditie within or
realme and consequentlie to have na ryt to ye said sowme bot yat ye
samin pertenis to us be vertew of or said act of parliament as ye
said reasoun of suspensioun at mair lenth proportis

We of or speciall grace and favor have declarit and be thir
presentes declaris to yow that we renunce quhitclame and owirgives
to and in favore of the said Jean sandelandis and hir spous foirsaid
all richt competant to us of ye said sowme of ane thowsand merkis
allanerlie

to ye effect yat yai may charge ye said andro edmestone and his said
cautiounar to mak payment of ye samin to yame conforme to yair
former richtis yrof

notwithstanding ony provisioun maid be ye said act of or parliament
or ony uyir richt competent to us anent ye said sowme of ane
thowsand markis qlk we renunce be yir pntes in yar behuiff
allanerlie to ye effect foirsaid

subscrivit wt or hand at or palice of halierudhous ye xvi of Januar
1600 yeiris

[signed] James R

[from Register]

... makand mentioun quhair ye persewar[Henry Culter of Erroll]hes be gift of william erle of angus lord dowglas and abirneithie etc lieutenant to or soverane lord, grantit to him his airs and assignays ane or ma ye escheit of all guidis moveabill and unmoveabill dettis takis stedings rowmes possessiouns actis contracts actiouns decreits sentences sowmes of money jowells gold silver cunzeit and uncunzeit hors cattell insyt plenisching and uther guidis and geir escheitabill qtsumever qlk pertenit ... to Jon kennedy of grenane and gilbert agnew of galdanoche and ather of thame and now pertening to ye sad lieutenant and at his gift and dispositioun be ressoun of escheit throw being of the saids personnes being orderlie denuncit rebels and put to ye horne for not compering in ane court of justiciare hauldin be ye said lieutenantis deputis in ye tolbuith of wigtoun ye aughtene day of september last by past in ye year of god 1599 yeirs to have underlyin ye lawis for sic crymmes as sould have bene layit to yair charges or throw being arrestit[?] gif[?] it sould happin yame to be denuncit rebels fugitives be ye laws convict be ane assyse or becum inwill for contravening ye said lieutenantis proclamatiounis and abyding fra his saidis proclamatiounis as in ye said gift of escheit grantit be ye said lieutenant to ye said henrie cultar donator foirsaid at dumfreis 24 september 1599 mair fullie proports

be vertew of ye qlk gift ye said henrie cltar donator foirsaid hes guid and undoutit ryt to all and sundrie ye said escheit guidis geir moveabill and unmoveabill etc and uther escheitabill guidis and geir quhatsumever qlk pertenit to ye said Jon kennedy and gilbert agnew and ather of yame and war in yair possessioun ye tyme of yair said denunciatioun to ye horne qlk was upoun ye 19 day of september the year of good 1599year and ye said henrie cultar donator foirsaid aut and sould be anserit and obayit yrof conforme to ye tenor of ye said lieutenantis gift grantit to him yrupoun and lawis and pratique of yis realm

qrthrow necessar it is to the said henrie donator foirsaid to have ye declarator of ye lords of counsall yranent conforme to ye ordor observit in sic caisses

... the lords declaris that Jon kennedy of grenane was orderlie denuncit rebel ... declarator follows[as above]

...conforme to ye said lieutenantis gift of escheit foirsaid grantit under his privie seill to yesaid henrie and to ye extract of ye lrs of horning furt of ye sereff buiks of wigtoun and subscryvit be michael cocherane syreff clark yrof beirand ye said Jon kennedy to be denuncit or soverane lords rebel at ye mercat croce of wigtoun be James creichtoun messinger upoun ye said 19 day of september last bypastfor ye causes abovewrittin

qlk pruvit ye points of ye summons sufficientlie efter the defenders war twyse laulie summondit to have comperit and defendit[and not comperand]

CS7/189/157v (Culter c Agnew)

[from Register]

...5 apryl 1598 James campbell[pur]being ryding in peacabil maner fra the toun of cossonis to the lands of braesynd about 4 efter noon hoiping na evil to haif bein done to him be onie maner of persones bot to haif levit under godis peace and his hienes efter he had visitit his lands and referit himself bak again to the toun of cossonis upoun fift apryl, said thomas lyell[def]fear of murthill with 3 horsmen and 2 futemen armit in fear of weir wt jakis, steilbonnetis, swords, pistolettis, stalffis, halbertis, and uyer waponis unbeset the said James Campbell in the way at kintyrielandis pertening to the laird of cossines besyd keremur in the way to cossines and that the said thomas lyell younger accompanit and armit as said is followit James campbell to the toun of ballingarno and knowing that he was reset wtin david walkeris hous and seing thay could get na entres the haill durris being closit thomas lyell causit bring fyre out of the landis of kintyrie and brocht the same to ballingarno of plane purpose to have fyrit it and had not faillit to haif performit his intentioun war not the haill cuntrie gadderit and relevit the said James campbell and stayit the said thomas lyell younger of the wikit interprise [quherto thomas lyell hes contravenit the act of caurie.

CS7/187/415v(L Advocat&Campbell c L Murthill&L Geicht]

[from Register]

... makand mentioun qr upoun 22 august 1598 duncane campbell capitane of carrik as principal and robert sempill of fulwod as cautioner for him becum oblist in ye buiks of secret counsall that aulay mcaulay of ardincapill, his men tenentis and servands suld be harmles and skaythles in yr bodeis, lands, possessiouns, takis, guids and geir and on nawayis to be trublit nor molestit yrin be duncane campbell nor nane of his causing etc utherwayis nor be order of law and justice under pane of tua thowsand merks as ye extract of ye act of caution propoerts

notwithstanding grof it is of veritie that patrik boyll servitor to duncane campbell capitane of carrik accompanyit with Johne mcilvornok mcilcallumgar mcilvane and sundrie uyris yr complices in october 1598 at ye special command of duncane campbell maist cruellie and unhonestlie under cover and silence of night **schot** and ditaschit[?=discharget]ane lang hagbut in at ane window of the dwelling hous of Johne grenhill dwelling within ye paroche of innerkip quhair ye said aulay and his servands war in quiet and sober maner for ye tyme louking for na harme nor iniurie of na persones

be ye quhilk schott not only wes - danielstoun, ane of ye said aulay's servitors for ye tyme slane and archibald connell ane uther of his servands cruellie hurt and woundit, bot alsua he himself schott throw the bodie to the greit perrell and danger of his lyfe as ia maist notourlie knawin

grof it is evident that ye said duncane campbell hes manifestlie contravenit the tenor of ye act of cautionrie and cum in ye contrair yrof

thairfoir he and ye said robert fulwod his cautioner hes incurrit ye pane and penaltie of twa thowsand merkis contenit in ye act of cautionrie and they suld be decernit to mak payment yrof

viz of the ane equal half of ye said sowme and penaltie extending to ane thowsand merkis to or soverane lord his hienes advocat and thesaurer and the uther half to aulay mcaulay as pairtie grevit but they refuse without they be compellit

[Mr thomas hammiltoun lord advocat and Mrs alexander king and cornelius tennent faiyeit in proving ... that ye said patrik boyll had bene domestique servand to ye capitane of carrik in october 1598, in quhilk moneth it is affermit in ye summons the laird of ardincapill to have bene schot be patrik boyll]

CS7/191/317v(Captane of Carrik and Laird Fulwod c Ardincapill)[sic]

[from Register]

...to heir the lords geive yr decreit and declaratour fundin that the trew dait of the procuratorie of resignatioun maid be gilbert menzeis for resigning of the lands etc in the hands of James sandelands his superiour yrof and of Ser James sandelands of slamanaine his Mr for the tyme wes penultimo die mensis augusti anno domini millesimo quintcent.octuagesimo octavo and that the omitting of that word octuagesimo furth of the dait of the said procuratorie wes be the negligence of the writter of the samen

CS7/190/323v(L Durno c Petfoddellis)

[from Register]

Qlk day the lords hes assignit 20 december to cornelius tennent advocat for archibald law goldsmith burges of edinburt to produce witnesses for proving the points of ane exceptioun proponit be archibald for elyding the points of ane clame persewit of befoir at the instance of nicoll penstoun tailyeor burges of the said burgh befoir the proveist and bailleis of edinburt agains archibald advocat yrefter to the lords of counsall on 21 november 1599 with certificatioun to cornelius and he failyie yrin the lords declaris na forder terme nor diligence salbe grantit to him for proving of the exceptioun

CS7/190/315v(Law c Penstoun)

[from Warrants and Decreets]

ultimo Januarii 1600

alexander bruntfeld broyer to robert of merkisworth, siby bruntfeld of greinlawder, adam brountfeld of dam, patrik chesser of greinlaw, be yr ayts *de calumnia* maid fayt yai have just caus to propone ye allegiance and duply and yat yai have just caus to deny ye rest of ye libell

Jon Ramsay persewar present be his ayt *de calumnia* maid fayt yat he had just caus to persew and speir for viii draw oxin xi ky mekill & four young nolt & ane airschip hors and denyit ye exceptioun & duply

[signed] cranstounriddell

[written by a clerk]

CS15/78/105 (Ramsay c Bruntfeild)

[from Register]

... and albeit it is of veritie that Jon Kennedy of blairquhan hes oft faytfullie promisit to mak payment, notyeles Jon kennedy of blairquhan being unmindful of his said promiseis, at ye leist not willing to keip it, hes menit him to ye lords of counsall and hes obtenit lrs of advocatioun and yrwith hes causit summond ye said persewar and ye saids bailyeis deputs to have comperit befor ye saids lords of counsall to have hard and sene ye said mater advocat, at ye day of comperance qrof he comperit be his procurator and consentit to ye advocatioun of ye samen, and ye said mater being advocat, ye said erle hes insistit to have obtenit ye samen ressonit and put to ane point, yit he is stayit and delayit be ye said Jon and can gett na end yrof, qrthrow he is content for schortnes of proces to refer the samen simplie to ye said laird of blairquhan his ayt ...

CS7/191/119v(Erle of Cassillis c Blairquhan)

[from Warrants and Decreets]

my lords of counsall unto yor Ll humblie menis and schawis I yor servitor Johnne ramsay in cumledge that quhair certane contraversie and debait being standing betuix me and williams ramsay in cumledge on the ane pairt and robert brounfeild of the merkisworth of greinlaw and alexander brounfeild his broder germane on the uyer pairt

anent certane actiouns of spoliatiouns and uyeris persewit be ather of us pairteis hurt inde agains uyeris, the samyn wer amicable referit and submittit be ather of us pairteis to robert and Johnne diksones as judges arbitrators and amicable compositors chosin for us pairteis conforme to ane submissioun maid and subscryvit be us pairteis yranent

qlks judges haveand acceptit the sais materis debaitable in and upoun thame, they be yair **decreit arbitrall** gevin and pronuncit yrin haif decernit and ordanit ather of us pairteis to do and performe to uyeris sundrie heids and conditiounis set down yrintill and namelie decernit and ordanit me and my airis and assignayis to uplift and ressave the sowme of fourtie pundis money of yis realme consignit for baith us pairteis in yor Ll and yor clerkis handis in the improbatiounis proponit be bayt us pairteis agains uyeris and actiounis persewit yranent as the said decreit arbitrall heirwith producit willl testifie

notyeles Mr alexander gibsoune yor Ll clerk in quhais handis ye said sowme of fourtie pundis is consignit in maner abovementionat onawayis will gif up and deliver the samyn to me without yor Ll warrand and command to yat effect

beseikand thairfoir yor Ll to gif command to ye said Mr alexander gibsone to gif up and deliver to me the fairsaid sowme of fourtie pundis consignit in his hands in maner abovewrittin conforme to ye tenor of ye said decreit arbitrall, he ressaveand my acquittance and discharge upoun ye ressait yrof for his warrand according to justice and yor Ll anser

[signed] A;straitoun

[outside]

apud edr ultimo octobris anno 1600

fiat ut petitur

[signed] Jo;prestoun

CS15/78/105 (Ramsay c Bruntfeild)

[from Register]

at the burt of couper nint merche 1591 it is appointit and finallie contractit betuix Mr robert nicoll doctor of medicine, burges of ye said burt on the ane pairt and Johne moreis cordiner burges yrof on ye uyr pairt

forsamekle as mr robert hes at ye making heirof reallie and with effect payit in numerit money to Johne moreis the sowme of four hundreth merks for uttredding of divers his necessar efferis grof ye said Johne halds him weill content and for him, his airs, executors and assignays exoneris and simplie dischargis maister robert his airs executors and assignays and all uyris quhome it efferis for evir be thir pntis renuncand ye executioun of non numerat money and all uyr exceptiouns and allegances of the law and pratik of this realm may be proponit or allegit in ye contrair

for ye quhilk sowme ye said Johne moreis oblist him, his airs, successors and assignays to infeft dewlie and sufficientlie Mr robert nicoll, his airs lawfullie gottin or to be gottin heritable, quhilks failyeing Jonet nicoll his lawfull sister, spouse to david philp burges of ye said burt and ye airs lawfullie gottin or to be gottin betuix thame, qlks failyeing Mr robert his airs and assignays quhatsumever heritable be charter and seasing titulo oneroso maid in competent and due forme contening all clauses of warrandice and uyris necessars and namelie fra all wairdis, releiffs, non entreses, ladyis terces, coniunct fies, lyfrentis, uyr annuelrentis, former infeftments privat and publict seasings and fra all other dangers, damage and instruments quhatsumever

in all and haill ane annuelrent of 44 merks at witsonday and mertinmes furth of ye pairteis lands and tenement lyand on ye south syd of bonygait betuix ye tenement of david duncane on ye eist and umquhile david young now pertening to robert robertsoun to be haldin of ye proveist and baillyeis and yair successors, ye said Johne moreis his immediat superiors of ye said tenement in frie blenche ferme for yeirlie payment of ane penny at witsonday gif it be askit allanerlie

and that be resignatioun to be maid of ye said annuelrent in ane of ye baillyeis handis conforme to ye ordor usit and confermit within ye said burt in sic caisses in ye surest maner and forme of infeftments ye said maister or his foirsaidis can devyse for thair securiteis yrof

of ye quhilk annuelrent of 44 merks ye said Johne moreis bund him, his airs etc to mak payment to Mr robert nicoll and his airs, etc quhilks failyeing etc during ye non redemptioun yrof

and gif neid beis Johne moreis oblises him and his foirsaidis to becum actit in ye syref buiks of fyf or commoun buiks of ye said burt for payment of ye said annuelrent in maner above

and in cais it sal happin Johne or his foirsaidis at ony tyme befoir ye redemptioun to suffer ye samyn unpayit than in yat cais Jon oblises him and his foirsaidis to pay to Mr robert nicoll and his airs of provisioun ye yeirlie profeits and annuelrents of ye byrun annuells awand unpayit, les or mair, of ye said principal

1102

annuelrent for ye tyme according as salbe payit for ye said principall sowme grupoun the same is impugnat *pro rata*

viz elevin merks for ilk hundreth merks of ye said byrin annuells yeirlie unto ye lawful redemptioun of ye said annuelrent siclyk as gif Mr robert and his foirsaidis wer expreslie infeft for ye samen annuelrent and byrun profeits for ye said annuelrent ... sua that Mr robert and his foirsaidis during the alienatioun salbe als weill payit for rents and profeits for ye byruns of ye said annuelrent restand for ye tyme *pro rata* as said is as of the samen principall annuelrent in maner foirsaid

and Mr robert being infeft in ye said annuelrent of 44 merks obliges him and his foirsaidis to delyver to Johne, his airs etc and sufficient letter of discharge maid in competent forme contenand the sowme of 400 merks for redemptioun yrof, all coinyie of les valor and soumes nor the fourepenny pece now having passage being always exceptit and secludit yrintil, to be payit to robert and his airs ... or to Jonet ... quhilks all failyeing to Mr robertis airs, and ye place of redemptioun and delyverance of ye said sowme to be within ye parochie kirk of ye said burt and ye consignatioun geiff neid beis to be in ane of the maist responsall baillyeis hands of ye said burt and yair warning to be personallie or at thair parochie kirk quhair they dwell 40 days preceeding witsonday or mertinmes,

with this special provisioun to be contenit yrin that it sal not be leasum to Johne moreis or his foirsaidis to redeme the foirsaid annuelrent unto ye tyme the haill byrun annuells be first payit togidder with ye profeits restand awand unpayit for ye byruns according to ye estimatioun yrof abovewrittin, gif ony beis, suspending all redemptioun of ye said annuelrent ay and quhile ye samyn be alsweill payit as ye said principall and byrun annuells yrof above expremit quhilks sal happin to be restand awand upoun ye space of foirscoir dayis warning befoir ayther witsonday or mertinmes, in yat cais Johne obliges him and his foirsaidis to mak guid payment of ye said sowme again with ye said byrin annuells yrof and uthers above specifeit quhilks sal happin to be restand awand for ye tyme to Mr robert and at quhattyme and how sone yrefter it sall happin him or thame to requyre Johne or his foirsaidis to yat effect, but langer delay or gyle

forder Johne obliges him, his airs etc to Mr robert naways to sell, annalie, woodset, dispone nor away put ye foirsaid land and tenement with yaird and pertinents nor na pairt nor portioun yrof nor to tak on na uyr annuelrent yrupoun fra na persone nor persones in tyme cuming quhile ye foirsaid annuelrent of 44 merks presentlie annaliet be vertew of this present contract to ye said Mr robert and his foirsaidis in maner above rehersit be ferst lawfullie redemit be Johne and his foirsaidis fra yame conforme to ye tenor above writtin of ye said reversioun

and heirto bayt the saids pairteis binds and obliges yame to keep this present contract to uyris and for the mair securitie yai ar content and consents that the same to be actit and registrat in ye buiks of counsall and sessioun, the syreff buiks of fyff, ye commiser buiks of sanct androis and ye commoun buiks of ye burt of couper, to have ye strenth of yair acts and decreits respectivlie with letters and executorialls[?executiouns]of horning, poinding and warding to be direct yrupoun in forme as efferis, the executioun of the ane not to mak derogatioun to ye uyr and the horning to pas upoun ane simple charge of 6 days warning allanerlie

110₃

and to that effect constitutes and ordanes Mrs umphra blinseill and
patrik murray and ilk ane of yame coniunctlie and severallie yair
lawful procurator committand power to yame or ony of yame to consent
to ye registratioun heirop in ye said buiks in *ulteriori forma*
constitutionis promitten de rato

in witness qrof bayt pairteis hes subscryvit yis present contract
befoir witnesses[3 burgesses of couper; 3 noteris]

sic subscribitur Mr robert nicoll medicinerwith my hand

I the said Johne moreis with my hand at ye pen led be ye notar
underwrittin becaus I can nocht wryt myself

extractum de libro actorum per me magister Johanne skene clericum
rotulorum regri ac consilii S d n regis sub meis signo et
subscriptione manualibus

sic subscribitur Johannes skene clericus regri

CS7/191/327r(Nicoll c Moreis)

[from Register]

... the assignatioun grantit to James sempill is simulat in ye self as being gevin *inter coniunctas personas retenta possessione* in swa far as he offers him to prove that James sempill, assignay foirsaid, sen ye said assignatioun of 2 august 1599 gave his bakband and obligatioun to ye said Jon wod of Jeillistoun[cedent]reponyng and restoring him to ye ryt of ye said 19 yeir tak notwithstanding of ye said assignatioun

and be ye same band promisit and conditionat that ye foirsaid assignatioun maid to James sempill of ye teind scheves of ye persounage and vicarage of cardross sould redeme and be done to ye behuiff, utilitie and profit of Jon wod cedent or his bairns quha are coniunct persones with him

quhairthrow yr is ane gritt collusioun betuixt ye cedent and assignay in defraude of or soverane lords donator foirsaid[Robert Drummond of Doyll ; gift of escheit grantit be or soverane lord under privie seill to him , his airs etc 8 october 1599] ...

CS7/191/233v(Drummond c Sempill).

Be it kend till all men be thir pnt. lres. ME ROBERT barthilmo in kirkinschaw ffor certane sowmes of money and uyeris gratituds and gude deids payit and done to me be my weilbelovit Johnne hammiltoun syrvisor to arthor hammiltoun wryter to his maties. signet quhairof I hald me weill content satisfait and payit and exoneris quitclamis and discharges the said Johnne his airis exers and assignis of the samen for now and evir be thir pntis.

Thairfoir witt ye me to haif constitute and ordanit and be the tennor heirop makis constitutis and ordanis the said Johnne hammiltoun and his airis my very lautfull. undowtit and irrevocabill cessioneris assignais donators and procurators in rem suam in and to the actioun of spoliatioun to be intentit be me aganis Johnne levingstoun of bandirren ffor the wrangous spoliatioun and awaytaking fra me upoun the tuentie day of apryle the yeir of god Mvct fourscoire auchtene yeiris of ane quhyt-gray hors of fyve yeir auld pryce sevinscoir merkis or thairby spoilzeit fra me furth of ane stabill pertening to James Inglis stabiller within the burt of ye cannogait and in and to the haill proffeittis of the samen hors with all that hes followit or may follow yrupoun

GEVAND grantand turneand actand transferrand fra me my airis and all utheris my assignais the foirsaid actioun of spoilzie of the said quhyt gray hors pryce thairof foirsaid with tha haill proffeittis that hes followit or may follow upoun the said spoliatioun togidder with all ryt tytill of ryt propertie possessioun actioun and instance that I or my foirsaidis had hes or onywayes may clame haif or pnd. thairto or to ony pairt thairof in and to the said Johnne hammiltoun and his airis my anerlie cessioneris and assignais foirsaidis and surrogatis him and thame in my place ryt and tytill thairof

WITH POWER to him and thame to call and persew the said Johnne levingstoun of bandirren ffor the spoliatioun of the said quhyt-gray hors and for payment of the pryce of the samen hors and for the haill proffeittis that hes resultit or may result yrupoun befoir quhatsumevir iuge or iuges competent wtin this realme and to prosecute and follow furth the samen to the finall end and decisioun thairof and actis instruments and documents in my name to tak and ressave and be my ptie. adversare proponit to impugne and efter the recoverie of decrete yrin in all or in pairt acquittances and discharges in thair awin names to mak gif subscriye and deliver upoun the ressait yrof qlkis wilbe thir pntis. salbe als sufficient to the ressaveris as gif the samen wer subt and deliverit be myself and generallie all and sundrie utheris thingis to do exerce and use yranent siclyk and freilie in all respectis and conditiounis as I myt haif done yrin myself befoir the making of this my assignatioun fferme and stabill haldand and for to hald all and sundrie the premisses as accords of the law in witness of the qlk thing (written be the said Johnne hammiltoun himselff) I haif subt thir pntis. wt my hand at edr the sevintene day of Ianuar the yeir of god M and sex hundret yeiris Befoir thir witnesses the said arthor hammiltoun wrytter claud hammiltoun breyer naturall to the gudeman of cauder Mr James hammiltoun brother to the said Johnne

(signed) Robert Bartillmo wt my hand
J hammiltoun witnes
Claud hammiltoun witnes

CS15/78/4 (Hamtoun c Levingstoun)

[from Register]

...the Lords declaris Incheok and Bogsyd to be laullie redemit be david Mr of of crawfurd cessioner and assignay fra ser James ogilvie of craig, defender, his airs and assignayes conforme to the letters of reversioun and thairfoir ordanis ser Johnne to renunce resign and simpiciter oergive fra him his airs and assignayes all the lands of Incheok and bogsyd to david Mr of crawfurd togidder with all clame of ryt kyndnes propertie and possessioun and to deliver charters etc to ser Johnne becaus david Mr of crawfurd, cessioner and assignay abovewrittin, on 15 apryle last 1599 be his procuratores in his name laullie warnit ser Johnne ogilvie of craig to compeir in the paroche kirk of the burt of dundie befoir the pulpit yrof the 26 maii last being witsonday ewin to have hard and sein the said sowme of ane thowsand merkis money of this realme current for ye tyme offerit numerat and deliverit to him for laul redemptioun lowsing and outquhyting fra him his airs and assignayes of the lands of Incheok and bogsyd and to have hard the points of the reversioun grantit be ser Johnne ogilvie to david erle of crawfurd cedent foirsaid his airs and assignayes for redemptioun of the saids lands fulfilit to him be the Mr of crawfurd, cessioner and assignay, as authentik instrumentis proportis

and on 26 maii in presence of tua famous noters and witnesses compeirit pllie robert balfour of ebdie procurator laullie constitut for david Mr of crawfurd and he in name of david Mr of crawfurd, cessioner and assignay, presentit the foirsaid lrs of assignatioun with ane procuratorie maid and subscrivit be david Mr of crawfurd with consent of his father and laul administrator to mak warning to ser Johnne ogilvie of craig his airs and assignayes to compeir in the said paroche kirk of dundie witsonday ewin to ressave fra david or ony in his name the said sowme of ane thowsand merkis conforme to the reversioun for redemptioun of the foirsaid lands and als ane instrument of premonitioun with ane uther procuratorie to mak the said redemptioun conforme to the said reversioun with the reversioun itself subscrivit and seallit be ser Johnne ogilvie

qlks wer all red and publishit and according yrto and to ye tenor of the said reversioun the said procurator causit numer and tell the said sowme of ane thowsand merkis and yrupoun askit and tuk instrumentis

lyk as robert balfour procurator foirsaid efter the productioun etc requyrit the said Johnne ogilvie to compeir and ressave the said sowme of ane thowsand merkis in gold and silver guid and useful money of yis realme conforme to the reversioun for redemptioun of Incheok and bogsyd and to grant the saids lands laullie redemit fra him his airs and assignayes and to gif sufficient lrs of renunciatioun yrto

and becaus ser Johnne and na uyers in his name comperit to ressave the said sowme at the laul tyme of day biddin thairfoir the said robert balfour procurator foirsaid past to ye dwelling hous of Mr Johnne lovell, william duncane, william mann and peter clayhillis, bailleis of dundie and efter he had knokit sex several knokis at ilk ane of yair yettis seichit and socht thame and ayer of thame to have consignit ye foirsaid sowme of ane thowsand merkis in yr hands for redemptioun etc and in respect he culd not apprehend nor nane of thame, thay being diligentlie seichit annd socht to that effect he protestit that the saids lands suld be haldin laulie redemit and

113₂
thairfoir consignit the sowme of ane thowsand merkis in the hands of
williame rynd of carss quha is ane suficient and responsall landit
gentillman as in sure keeping to be furthcumand to the behuiff of
ser Johnne his airs and assignayes and protestit that the reversioun
was fulfillit as authentik instruments proports

CS7/186/137v(Mr of Lindsay c Mr of Crawford)

[from Register]

...James scott writer donator having be gift of his maties darrest spous Anna be the grace of god Quene of Scottis and lady of the lordschip of dunfermling and iurisdiction of the regality yrof and wt consent of hir hienes counsallors for the maist pairt to him his airis the escheat of the guidis and geir etc qlk pertenit of befoir to william dischingtoun portioner of drumelne and now pertene to hir hienes and his matie for his entres...

CS7/187/317r(Scott c Dischingtoun)

James be the grace of god king of Scottis to all and sundrie our liegis and subeitis quhome it effeiris quhais knowlege thir our letteris ... Greiting

WIT YE US to have and grantit and be thir our letteris gevis and grantis to our lovit Alexander young of eistfeild ischeir of our chalmer his airis and assignayis ane or ma the escheit of all guidis geir movable and unmoveable dettis takis stedingis roumes possessiounis cornis catell insicht pleneising actis contractis actionis obligationis reversionis decreitis sentences assignationis soumes of money jewallis gold silver cunzeit and uncunzeit and utheris guidis and geir eschetable qtsumevir quhilkis pertenit of befoir to umgle. Katherine Robertson als. lathanzie spous to david peirsoun in levin and now pertening to us fallin and becum in our handis and at our gift and dispositioun be resoun of escheit be the lawis and practiqs of this realme Throw the said umgle Katherine putting of violent handis in hir self and ongodlie hanging of hir self to the deid committed be hir upoun the ellevint day of aprile instant

TO BE HALDIN and to be had the escheit guidis moveable and unmoveabill abovewrittin and proffites and richts thair of to the said Alexander young his airis and assignais ane or ma with all and sundrie commoditeis fredomis proffites and richteous pertinentis qtsumevir pertening and yat richteouslie may pertene thairto

WITH POWER to the said Alexander young his airis and assignayis foirsaidis to intromet with and uptak all and sundrie the saidis escheit guidis geir moveable and unmoveable abovewrittin dettis and utheris particularlie aboverehersit at thair awin handis quhair evir the same may be apprehendit And thairupoun to dispone at thair plesure And to occupy the saidis takis and stedingis with thair awin proper guidis Or to set the same to tenentis as they sall think expedient during all the tyme thair of ffrelie quietlie wele and in peax But our rewocatioun or aganecalling qtsumevir

QUHAIRFOIRE we charge straitlie and commandis yow all and sundrie our liegis and subiectis foirsaidis that nane of yow tak upoun hand or lett stop or distribulance to the said alexander young his airis or assignais in the pecable bruiking joising uptaking intrometting with and disponing upoun the eschete guidis moveable and unmoveable abovewrittin and proffites thair of efter the forme and tennour of thir our lres. under all hiest pane and charge that efter may follow

GEVIN under our previe seill at halyruidhous the fyftene day of Aprile the yeir of god ane thowsand and sex hundreth yeiris And of our regne the threttie thrie yeir

Per signaturam S. d. N. Regis subscriptam

CS15/77/36(Young c Persoun)

(note on outside on back of seal)
writtin to the privie seill
15 April 1600

(and above the seal)
Lettra alexander young
de Eistfeild

CS15/77/36(Young c Persoun)

LETTERS OF CAPTION AND DETAINING IN WARD FOR NOT FINDING CAUTION FOR
OBTAINING OF LETTERS OF SUSPENSION

[from Register]

... and trew that upoun ye ressouns and offer be ye persewar to have fund caution for payment of ony pairt of ye dewtie yat suld be fundin be ye lords unpayit, ye saids lords be yair delyverance grantit yrupoun 2 december 1598 in favor of ye persewar suspendit ye said lrs to ane certane day, as ye dilyverance schawn to ye lords beirs, qlk delyverance culd na ways be effectual to ye persewar be ressoun yat his freinds quhome he burdenit to be caution for obteneing of ye said suspensioun knowand his miserabill estait and condition grin he was reducit, being spulzeit of his rowme and possessioun be ye said James tennent of cairnes ... and yrby haifing na moyenne to releiff yame in cais ye said lrs of horning had bene fund orderlie proceidit agains him at ye discussing of ye said suspensioun, they refusit alluterlie to be cautioners for ye persewar, and sua ye day contenit in ye said delyverie **expyrit** for ane laick of caution

and in ye meantyme ye defenders causit maliciouslie denunce the persewar to ye horne and yrupoun hes purchast lrs of captioun and hes causit put ye said persewar in waird within ye tolbuith of edinburt quhair he is presentlie detenit for said horning be ye space of ane yeir or yrby

and sua be ye detening of ye persewar in waird being ane puir simpill creature be ye said space he is alluterlie becum in sic povertie yat he hes naithing to sustene him upoun bot yat qlk he begis for goddis caus and is at point of tinsell and lyk to pereische for hunger and cauld and it lyis not in ye persewaris possibilitie to find caution nor nane will becum cautioner for him, but he hes cum in presence of ye lords and gevin his legal ayt yat in cais it salbe fundin be yame yat ony pairt of ye foirsaid dewtie of ye saids lands be unpayit to James tennent defender or his son yat he sal satisfie ye samyn according to ye lords declarator to be given yranent ...

CS7/189/161r (Adamsoun c Cairnis)

[from Register]

qlk day the lords ordanes lrs to be direct at ye instance of James arbuthnet of lentusche [and 6 names]tenentis and occupieris of keir to charge ye sereff of forfar and his deputs to serche seik tak and apprehend within ye bounds of yair offices and jurisdiction alexander guthrie of kincaldrum[and 5 names]quha wer denuncit rebels and put to ye horne at ye instance of ye foirsaid persouns for yair noncomperance befoir ye lords of counsall to have borne witnessing and at ye proving of ye poynts of or soverane lordis lrs purchast at ye instance of James arbuthnet and his collegis agains sir thomas auldbar knyt, sibilla lyoun sister germane to patrik lord glamis and patrik lyoun burges of dundie, havears of certane contracts charters precepts instruments of seasing takis obligatiounis or have fraudfullie put same away

tuiching ye exhibitoun befoir ye lords for proving of ye allegiance proponit be James arbuthnet and his complices in ye actioun of removing persewit be lord glamis agains thame for removing fra ye lands of keir

and the saids persouns rebels being apprehendit to exhibit and produce yame befoir ye lords of counsall 20 maii nixt to cum with continewatioun of days to ye effect yai may beir ye said witnessing under ye pane of rebelloun and putting of ye said syreff and his deputs to ye horne wt certificatioun etc, ye foirsaid persouns persewars or ony utheris in yair names sufficientlie instructit passand futt for futt with ye said syreff and his deputs and schaw and declair quhair and in quhat place ye saids rebels dwells and remans

and assigns to ye persewars 20 maii nixt to cum with continewatioun of days to report ye lrs of horning and captioun dewlie execut and indorsat upoun ye saids rebels to ye effect ye lords may proceid and do forder justice ...

CS7/189/204v (Arbuthnet c L Glames)

[from Register]

...the lords ordanes adame broun[defender] to resign the tua fairpairt and the thrie pairts and to deliver all precepts, instrumentis of seasing, writs and securiteis becaus it is of veritie that william broun burges of Haddingtoun, persewar understanding adame to be furth of the realme hes rasit uyr lrs and causit charge adame be opin proclamatioun at the mercat croces of haddingtoun, edinburt, peir and schoir of leith to have compeirit in the parochie kirk of haddingtoun 10 mai 1600 being witsunday evin and thair betuix the sone rysing and downsetting, ilk be himself or his procurators in his name to have ressavit xls for the laul redemptioun lowsair and outquitting fra adame broun, his airs and assignayis the tua pt and thrie pt ...conforme to the reversioun ... and to have hard the reversioun fulfillit according to qlk william broun upoun 10 mai 1600 comperit wtin the said parochie kirk of haddingtoun and thair at the hie alter yrof producit numerat and tauld the said soume of xl schillings in ten schillings and aucht penny pecis and offerit the samyn at the said hie alter, the said adame broun or ony uyris in his name haveand his power to ressave and to grant the said lands laulie redemit and outquyte fra adame broun, his airs and assignayis conforme to the tenor of reversioun ... and becaus adame nor nane in his name compeirit the laul tyme of day being bidden and the sone dounpast thairupoun, the said william broun consignit and put the xls in the hands of henrie quhite sumtyme thesaurer of the burt as in the hands of ane responsall man to be furthcumand to the behuif of adame and sua fulfillit the reversioun ... and the saids lands suld be haldin as laulie redemit as authentik instrumentis takin proports

CS7/190/306v(Broun c Broun)

[from Register]

---the tenement of land bak and foir under and above wt yaird pertinentis pertening to him heritablie be alienatioun of maister alexr peiblis advocat oocupeit be jon patteieur james hardie and wam rynd lyand on the south syde of ye south gait of ye burt of perth betuix ye tenement of land of henrie balnaves alias pyper on ye west ye tenement of (BLANK) on ye eist ye spey stank of ye said burt on ye south and ye said south gait on ye north qlk tenement for the special love and favor he had for his laul dochter he overgave in ye handis of oliver young ane of ye bailleis of perth for ye tyme and in favouris and for heritabil seasing to be given yrof to ye said christiane hir airis and assignais reservand lyfrent to ye persewar during alll ye dayis of his lyftyme redemabil als be him in his awin lyftyme fra ye said christiane and hir foirsaid be payment to thame of ane rois nobil of gold in ane day betuix sun rising and doun passing yrof wtin ye parochie kirk yrof or in cais of absence to be consignit in ye handis of ye thesaurer[?] or deane of gild upoun sex dayis warning as in ye instrument of seasing maid to christiane ye last october 1593 grin ye foirsaid reversioun is ingrossit and interponit, beiring expresslie ye samen to haif as greit strenth for redemptioun of ye foirsaid tenement as gif ane particular reversioun in ye commoun forme wer grantit yrupoun wt all ryt and titil etc the samen being laulie redemit be ye persewar fra christiane ... the lordis ordanit ye defenderis to remove ... because the persewar on ye 22 day of december 1596 warnit christiane to compeir in ye parochie kirk of perth on wednesday nixt efter 29 december to haif ressavit fra ye persewar or his procurator ane rois nobil of gold for ye redemptioun loussing and outquhytting ... and on 29 december ye said persewar comperit personallie wtin ye choir of ye parochin kirk of ye burt of perth and producit ane instrument of seasing contening ye foirsaid reversioun togidder wt ye instrument of premonitioun beiring christiane to haif bein warnit to compeir or utheris haifing ye power to ressave ye rois for redemptioun and outquhyting of ye tenement and becaus ye said christiane compeirit not nor na uyeris in hir name, ye persewar past to ye personall pns. of james adamesoun ye sumner of ye burt of perth and assignit ye rois in his handis in sure keeping to be furthcumand to utilitie and profeit of ye said christiane and sua fulfillit his pairt as authentik instrumentis takin under the signe of alexr robertsoun noter publict beiris

CS7/187/277r(Ross c his Tochter)

[from Register]

... the annuelrent was not payit to the persewar and rests awand 1596 to 1599 extending to four hundreth four scoir punds and seing in the mentyme the said sir willame keith of delny knyt departit this lyf and that the persewar has not recoverit nather the principal sowme nor the annuelrent he hes raisit uyr lrs be deliverance of the lords and causit charge Johne keith of reviniscrage upoun fourtie days conforme to the act of parliament to the effect that the persewar nicht have had actioun agains him as brother and air for payment of the sowmes above writtin principal penaltie and expenses and eftir the said fourtie days being bypast the persewar raisit summons and intentit actioun bfoir the lords agains Johne keyth of reviniscrage brother and air to umgle ser willame at ye leist quha was laulie chargit to enter air to him upoun 40 days conforme to the act of parliament tuiching the decerning him to mak payment to the persewar of the principal sowme of £1000 punds togidder with penaltie and byrins extending to 15 hundreth and fourscoir punds

qlk actioun being upoun - november callit and ressonit in presence of the lords and the said persewar comperit pllie and Johne keyth of raviniscrage comperand be Mr James donaldsoun, the lords be thair decreit assoillyeit Johne keyth fra the petitioun of the persewar and fra the points and articles ... and decernit him quhyt becaus Mr James donaldsoun declarit that Johne keith in sa far as he was callit and convenit brother and air to umgle ser willame denyit that he was in ony wayis air to him and in sa far as he was convenit as he quha was laulie chargit to enter air to him, Mr James renuncit siclyk to be air and to that effect than instantlie producit ane renunciatioun laulie subscrivit be Jon keyth of reviniscrage be ye qlk he not onlie gef power to Mr James his procurator to renunce bot also be himself renuncit to be air or executor to him ather in generall or in particular to quhatsumever lands milnes multers fischeing heritages amnnuelrents pensious takis steidings possessiouns airschip guidis and geir moveable and unmoveable and uyris quhatsumever qlk pertenit to umgle sir willame keyth the tyme of his deceis and grunto he nicht succaid or have ony richt as air or executor to him in ony maner of way and was content and consentit that the said procuratorie and renunciatioun contenit yrin was insert and regrat in the buiks of counsall and decernit to have the strenth of ane act and decreit of the lords of counsall as in the decreit absolvitor given and pronuncit yranent beirand the said renunciatioun at mair lenth is contenit

CS7/186/218v(Mr Thomas Craig c Keith)

... tuiching production befor the lords of the breif of or
soverane lady chappell and service following yrupoun qrbu it is
retourit that umquhile patrik lord gray father to patrik deid last
veist and seasit at the faith and peax of or soverane lord of all
lands and baronie of aberbrothie with pertinents etc... and that
patrik is the narrest laul air of his umquhile father and that he
was of laull aige and that the saids lands now be worth be yeir £20
and fyve pundis in tyme of peax and that the saids lands of
aberbrothie ar haldin of the lords of crawfuird and barone of
elicht[?] in frie blench for payment of ane pennie and that the
lands of lythsie[?] ar held of the erles of crawfuird of bondage be
service of waird and releif as in the retour
qlk inqueist was held in the court of the syrefdome of perth in that
pairt haldin in the tolbuith of edinburgh 16 Januar 1593

CS7/186/127r(Mr of Crawfuird c Lord Gray)

[from Register]

"---his hienes as ane guid chrystiane prince movit be both pitie and trew fear of god and zealot of his glorie haiffine commiseratioun of the puir mutilatimpotent miserable persounes orphanis and infantis destitut of parentis and uyeris puir memberis of Jesus chryst wtin ye said burt of montrois and for yr perpetuall supplie hospitalitie and help for evir and to that effect and na uyerwayis

Be his first charter under the greit seall at edr 1 Januar 1570 made wt consent of his regent & secret counsall, grantit to ye provost and bailleis counsal and communitie of the toun of montrois all and sundrie tenementis etc to be haldin of oure soverane lord and his successoris in puir almes for evir, under the greit seall 23 junii 1571 ... disponit to the provost etc all and sundrie landis annuelrentis sumtyme pertening to ye freirs carmaleites of Lunnenburne to be haldin of oure soverane lord and his successores in puir almes for evir and siclyk or soverane lordis efter his lawfull and perfyte aige of 21 yeiris compleat declarat in ye parliament haldine at edinburt xxix Julii 1587 and efter his general revocatioun yrin in ye quhilk parliament yr is special actis maid, the ane of annexatioun towards ye annexing of all kirk landis and of all temporal landis levings and rentis of qtsumevir prelateis and benefices wtin yis realme and uyairs pertening to ye kirk mentionat in ye samen act to ye patrimonie of his hienes croune, the uyer act of dissolutione anent ye dissolutione of annexit landis for settling yrof in fewferme for incress of politie teritorie and augmentatioun of the rentall, his hienes be his thrie charteris under his greit seall 29 julii 1587 qlk is ye narrest day and dait of ye saids actis of annexatioun and dissolutioun has to the effect and use foirsaid dewlie ratifeit the foirsaid tua charteris and gifts disponit to ye provost etc all thingis specifeit in ye saids tua charteris to be held of or soverane lord in puir alms for evir"

[from pleadings of Mr William Oliphant and Mr Oliver Colt for Toun of Montrois]

CS7/187/170vff(Toun of Montrois c L Collector & Panter)

*Apud edr undecimo die mensis februarii
anno dni. Millesimo sextentesimo*

The quhilk day in pns. of me notar publict and witnesses underwrittin compeirit personalie ane discreit man Johnne hammiltoun servitor to arthor hammiltoun wrytter to his maties. signet and past to the personall pns. of Johnne levingstoun of bandirren and maid intimatioun to him of the assignatioun wtinwrittin maid gevin and grantit be Robert barthilmo in birkinschaw to the said Johnne hammiltoun of the actioun of spoilyie and profeittis thairof wtinspeit. with all that may result yrupoun and deliverit to him ane iust and authentick copie of the said assignatioun quha ressavit the samen

Quhairupoun the said Johnne hammiltoun askit instrumentis of me notare publict ane or ma

And this wes done wtin the said burgh of edr upoun the north syde thairof in the wrytting stair of harie bickartoun foiranent the auld tolbuith in pns. of Johnne baward servitor to Mr thomas hammiltoun of drumcarne advocat to or soverane lord Johnne broun indwellare in edr Johnne porteous servitor to the said Johnne levingstoun and willame howat tailyeor indwellare in the said burt of edr wt utheris divers witnesses requyrit to the premisses

*Ita est Jacobus hammiltoun
norius. publicus ac testes in
premisses manu mea testante
(sign for W.S.)*

CS15/78/4 (Hamiltoun c Levingstoun)

I Johnne corsane in kirkgait burges and ane of ye baillies of drumfreis be ye tenor heirof grantis me to have resavit fra Johnne puill burges of ye said burgh the sowme of saxscoir sevin punds xs money of scotland Qrin upon ye xxviii day of october ye yeir of god Mv fourscoir aughtene yeiris In pns. of James newall ane of ye bailleis of ye said burgh for ye tyme the said Jonne puill as alswa Robert makbrair of almegill provest of ye samen Roger kirkpatrik harbert haning matho puill williams irving williams gledstanis James coipland & Jon merschell burgesses yrof become actit coniunctlie and severalie to pay ye said sowme to me betuix ye dait of ye said act and witsonday nixt yrefter now langsyne bygane as ye act beiris Qrupon I rasit or soverane lords lres. and compellit ye said jon puill as he yat wes allet coniunctlie & severalie yrfoir to pay to me ye samen and yrfoir I for me my airis exers & assignayis exoneris quitclamis & discharges ye said Johnne puill his airis exers & assignayis & all utheris quhome it efferis of ye said sowme of sexscoir sevin punds & xs contenit in ye said act for evir, Reservand to ye said Jon puill to seik releif of ye said sowme fra ye remander yat wes allit wt him Be thir pnts. writtin be harbert cunyghame notar & subscriyvit wt my hand at drumfreis ye xiii day of maii ye yeir of god M and sax hundreth yeiris, Befoir yir witnesses Jon gibsoun andro moresoun gilbert mclene burgesses of drumfreis & ye said harbert cunyghame notar

(signed) Johnne corsane wt my hand
Johnne gibson witnes
harbert cunyghame witnes

CS15/78/88 (Puill c Irving)

I James don servitor to maister thomas hamiltoune of drumcarne advocat to our soverane lord Be the tennor heirof grantis me to haif resavit realie and with effect in sufficient golde and silver fra the hands and delyverance of maister robert stevin ane of the regents of the gramar scoill in name and behalf of thomas stevin his brother servitour to ser robert maillvill the sowme of fourscoir punds money of this realme as for the principall togidder with the sowme of tuentie punds of expensses qlk sowmeis principall and expensses robert wauchope merchand burges of edinburghe and george kirkwode messinger burgis yr as cautiouneris for the said thomas and maister robert obleist yame be thair lres. obligatoris subscrivit be thair hands off the dait the xix day of Julii the yeir of god 1600 yeiris to pay to me betuixt the dait of thair saidis lres. qlk is of the dait foirsaid and the last day of november than nixtocum and now last bypast as thair saidis letteris obligatoris actit and regrat. in the buiks of counsall the ix day of december 1600 yeiris in the self mair fullilie reportis. Of the qlk sowme of fourscoir punds money foirsaid as for the principall togidder wt ye sowme of tuentie punds of expensses specifeit and contenit in the saids lres. obligators I hald me weill contentit satisfeit and payit & for me my airis exers and assignayis exhonoris quitclameis and dischargeis the saids thomas and mr robert stevinis as principallis robert wauchope and george kirkwode thair cautiouneris foirsaidis yr airis exers and assignayis for ever yrof and grantis the saids lres. obligatoris and decreit foirsaid interponit yrto fullfillit to me in all ponytis and declaris the same to be null and of na availl force nor effect and never to mak faithe inwithe or utwithe iudgement in na tyme heirefter

And renunceis and dischargeis all executioun of lres. raisit or to be raisit at my or my foirsaidis instance aganis the foirsaidis personeis principall and cautiouneris reptie. above specifeit & thair foirsaidis for ever

And for the mair securitie gif neid beis I am content and consentis that yir pntis. be insert and regrat. in the buikis of counsall ad *perpetuam rei memoriam* And for registratioun heirof maks and constitutis (BLANK)my procurator to appeir befoir ather of the judgeis abovespecifeit and consent to the registratioun heirof *In uberiori forma constitutionis premittendum de rato* Be thir presentis subscrivit wt my hand as followis

Writtin be nicoll battie schollar discipill to the foirsaid Mr robert stevin

At edr the ellevint day of merche the yeir of god ane thowsand sax hundrethe and ane yeiris Befoir yir witnessis Walter Scott merchand and burges of edinburghe and patrik scharpe merchand burges of edr Johne runcell tailyeor burges of edr & zachrie magill

(signed) James don with my hand

(signed) walter scott witnes

(signed) zacharie makgill witnes

Chancellor, president, Lordis of or counsall and sessione We grete yow hartlie weill, fforsamekill as yair is ane actioun and caus of redemptioun dependand befoir yow at ye instance of frances erle of erroll agains patrik cheyne of essilmonth ffor redemptioun of ye landis of cawartie And we not being willing yat ye said patrik be preiudgit of his lawfull defensses Be occasioun of ane horning usit and execute agains him ffor his not comperance befoir us and Lordis of or privie counsall to haif anserit to sic thingis as suld haif bein inquirit of him anent ye imprenting and executing(?) of fals cunzie Thairfoir and for divers uyeris guid causes and consideratiounis moving us To haif dispensit and be yir pntis. dispensses wt him concerning ye foirsaid horning or ony uyer horningis quhatsumevir execute or to be execute agains him during ye dependence of ye foirsaid actioun Requesting alsua yor Lls. to geiff him persoun and place to stand in iudgment for defence of ye actioun foirsaid and all uyeris his actiounis qtsumevir notwithstanding the saidis horningis Subscryvit wt or hand at(BLANK) the (BLANK) day of Marche 1600

(signed) James R.

CS15/77/23(Erle of Erroll c Cheyne)

[protestation]

In pns of the lords comperit Mr umphra blinscheill procurator for alexander colquhoun of Luss and producit the copie of or soverane lords lrs 1 Januar 1596 qrby he was summond at the instance of robert galbrayt of cultrent[cultreuch?] tuiching the production befor the lords of the lrs of horning and decreit arbitrall grupoun the samen procedit, be vertew qrof alexander colquhoun causit charge robert galbrayt as cautiouner for andro Mcfarlane of arroqr to keip ane decreit arbitrall gevin and pronuncit betuix andro mcfarlane for himself and takand the burding upoun him for his freinds sustenars and partakeris on the ane pairt and umqle ser umphra colquhoun of luss for himself, his kin and freinds on the uyr pairt, and speciallie to obtene to the said alexander colquhoun ane lr of slanis for ye slauchter of umqle donald mcneill mcfarlane and to do and observe uysr specifeit in the decreit arbitrall to have bene considerit be ye lords and sein the samen lrs simpliciter suspendit in tyme cuming

the day of comperance being lang past, nane comperit to persew the samen Mr umphra blinscheill being reddy to anser yrto, thairfoir protestit that alexander colquhoun of luss be not haldin to anser unto the tymer of new summond and his expensses refundit

the lords admit protestatioun and ordanes lrs to be direct for £6 expensses and 40s to the lords collector

CS7/185/90r(L Luss c Cultrent)

... the fyve pund land of auld extent of lytill aikinheid with ye maner place houses biggings wodis and medows and all yair pertinents and all and haill ye fyve pund land of mekill aikinheid syrefdome of lanerk becum in or soverane lords hands as undoutit superior yrof and consequentlie at his dispositioun as king of scotland be reasoun of recognitioun be ye privilege of yis crowne, lawis of yis realm and acts of parliament maid yranent throw ye alienatiounis venditiounis and infeftmentis grantit of all and sundrie ye foirsaidis lands or of ye maist pairt of ye samyn be umquhile gavin maxwell of aikinheid, his father or be ane or and uther of yame, last immediat tenentis or vassellis heritabill to or soverane lord and his hienes predecessors of ye samyn **without or soverane lordis confirmatioun or licence had or obtenit yrto** and sua becum in his majesteis hands under recognitioun, the samyn lands reptlie being hauldin of his hienes be service of ward and releiff conforme to ye said infeftment maid to ye donator yrupoun contening sufficient power to persew declarator of ye said recognitioun as ye infeftment and saising proportis

...

becaus it is of veritie be ye laws of yis realm and daylie pratique inviolablie observit or said soverane lordis immediat tennentis and vassellis hauldand lands of his hienes yair laull superior be service of waird and releiff may not sell annalie nor dispone ye saids lands nor ye maist pairt yrof sua hauldin of his majestie in his hienes prejudice without his licence or confirmatioun had and obtenit yrto as laul immediat superior of ye samyn bot ye saids lands or ye maist pairt yrof being sua annaliet sauld or disponit be his hienes immediat tennentis quhatsumever without his majesteis consent licence or confirmatioun foirsaid, ye samyn tennents and vassellis als weill as ye ressaveris of sic pndit alienatiounis and dispositiounis tynnis yairthrow and amittis yair ryts tytills and infeftmentis of ye saids lands for ever fra yame, yair airs and assignayis and ye full heritabill ryt tytill and propertie yrof returnis yrthrow to or said soverane lord and his hienes crowne lyk as his majesteis superioritie of ye samyn in yat cais is consolidat with ye propertie yrof and falls under recognitioun and aucht and suld be sua decernit and declarit to be recognost and to return and remane with or said soverane lord in all tyme cuming as his hines propertie and with his said donator havand ryt of him of ye samyn

...

CS7/189/329r (L of Calderwod c Aikinheid)

The testament dative and Inventar of ye guidis geir sowmes of money and dettis pertening to umgle. James michelsoun alias baxter mariner burges of kingorne The tyme of his deceis Quha deceissit on the sea in the moneth of maii The yeir of god Mvc foirscoir sevintene yeiris ffaythfullie maid and gevin up be elspeth thomesoun his relict spous In name and behalf (of)katrene michelsoun thair lauchfull bairne executor dative surrogat to hir said umgle father In place of the pror. fischalis Be decreit of the comisseris of edr as the samen decreit of the dait at edr the xxiiii day of Julii The yeir of god Mvc foirscoir auchteine yeiris at lenth proportis.

In the first the said umgle. James michelsoun alias baxter mariner in kingorne had the guidis geir sowmes of money and dettis of the avall and prices efter following pertening to him the tyme of his deceis foirsaid Item he had thrie puncheounes of wyne costis and Impostis being deducit sauld for the sowme of thriescoir pundis Item in utencilis and domicilis the abuilzementis of his bodie estimat to ten pund.

SUMA. OF YE INVENTAR----- LXXlib.

TO BE DIVIDIT IN THRIE PAIRTIS

THE DEIDE PAIRT IS - XXIIIIlib VIS VIIId

(signed)Nicoll forrest

(The following is written in a different hand)

We maisteris Johnne prestoun Johnne nicalsoun & thomas henrysoun comissers of edr specialie constitut for confirmatioun of testamentis Understanding yt efter dew summonding & laulful warning intent be forme of edict oppinlie as efferis of ye executor and intror wt ye guidis and geir of ye said umgle James michelsoun and of uyeris hafand enteres to compeir iudicialie befoir us at ane certane day bypast to heir and sie exers datives decernit to be gevin admittit and confermit be us in and to ye guidis and geir qlks iustlie pertenit to him ye tyme of his deceis Or ellis to schaw ane caus quhy etc and yt nane comperit we decernit ye pror fischall of or said comissrie in executor dative to him And yrefter at ye supplicatioun and desyre of ye said katherene michelsoun we have reponit and put hir in ye said fischallis place and yt wt his consent as ane act of surrogatoiun maid yrupoun beiris Conforme to ye qlks we in or soverane lords name & auctie. makis constitutis ordanis and confirmis ye said katherene michelsoun in executrix dative to ye said umgle James michelsoun alis baxter hir fader wt power to hir to intromet uptak follow and persew as law will ye guidis and geir abovespecifeit and to outred dettis to creditors and generalie all and sundrie thingis to do exerce and use yt to ye office of exerie dative is knawin to pertene Provyding yt ye said

kathrene executrix foirsaid sall anser and rander compt upoun hir
intromissioun qn and qr ye samyn salbe regrit. of hir and yt ye said
guids salbe furthcumand to all parties haifand interes as law will
Grupoun adam findlaysoun merchand burges of edr Is becum cautioun
for ye said executrix and for hir said moder incais of hir
intromissioun wt ye defunctis guidis as ane act maid yrupoun beiris
In witnes qrof to yir pntis. subscrivit be me mr eduard marschell
the[?] clerk wt ye seill of office ye said comisserie is heirto
affixt At edr ye xxv day of julii 1598

(signed) Mr eduard Marschell(sign for W.S.)

CS15/78/85(Mitchellsoun & Stewart c Ramsay & Grot)

(OUTSIDE THE TESTAMENT)

The quot of yis testament as it standis ext. to xxiiis

[from Register]

...Quhilk actioun of doubil poinding being callit in pns of his matie and the lords of counsall considderit that the gift grantit to robert boyd of badinhaith and colonel david boyd of the waird[of lands and lordship of Kilmarnock]was lang befoir the gift yrof grantit to david ffullertoun and that yai payit to his matie ane large sowme of money surmounting the sowme of 3000mks and that david ffullertoun had payit onlie ane rois nobill or yrby and in respect baith gifts procedit fra his matie hes awin deid and that the said gift grantit to robert boyd and colonel david boyd laikit onlie that the samen was grantit be his matie as administrator to his said son, his matie movit baith the said pairteis to reffer lyk as yai of yair awin consent referrit the said mater amicable to the lords of counsall to have bein decydit in amicabil maner as the minutis of the proces writtin on the said lrs of doubill poinding qlks ar lyand in the lordis clerkis hands will testifie

CS7/187/397v(Ffoullartoun c Tenentis of Kilmarnok)

... thairfoir the sd James downie and agnes bell his mother to haif hard thame decernit be decreit of the lords to refound the thirlit multaris [of craigmylne] and to haif hard and sein thame and all uyris ye tenentis and occupiers of the said lands of wodheid yat sal happin to be for ye tyme decernit be decreit foirsaid to bring and grind ye haill cornes qlks sall grow yeirlie upoun the grund of the said towne and lands with pertinents except the seid for sawing of the grund alllanerlie at ye said mylne in all tyme cuming and to pay the thirle multairs, knaifschip and other dewteis yrof usit and wont extending to the quantiteis foirsaid to the persewar his fermorars and maltens at the mylne conforme to the said infetment and seasing

CS7/188/177v (Carmichell c Barroun)

[from Register]

...becaus umqle patrik essilmounth on 24 merche 1564 be his lrs of reversioun authenticlie sealed and subscrivit band him[umqle James ogilvie of that ilk]his airis etc to pay to umqle patrik 1000 merkis togidder with ane asedatioun of 19 yeiris takis efter the redemptioun of the fishing qlk wes done ane day in ye parochie kirk of allane diocie of aberdein for the yeiris payment to James his airis of 60 pundis yeirlie at ye feist of lambes callit petri ad vincula during the 19 yeiris The said umqle patrik and his airis mail being warnit personallie or at thair dwelling place upoun ye premonitioun of 40 dayis in pns of ane noter and witnesses, than to renunce to James his haill fishing and deliver all charteris and gif it suld happin fraudfullie to absent thame fra ye ressat of ye said money and assedatioun wtin ye kirk of allane, then it to be leasum to umqle James to number and tell thir 1000 merkis to be put in the handis of a sufficient man in the said parochie

Trew it is that ser walteris oy 17 apryle 1596 warnit patrik to have comperit wtin the kirk of allane on 29 may 1596 to receive 1000 merkis wt assedatioun of 19 yeiris tak of fishing ... the reversioun to be fulfillit on the pairt of ser walter ... and patrik to renunce all richt

Mr william barclay procurator comperit on behalf of ser walter 29 may [give]in gold 1000 merkis to wit sexscoir threttine fyve pund pices wt 33 schillingis in silver and assedatioun for 19 yeiris efter 29 mai to patrik becaus mr Johne leithe as procurator for dame helen comperit and declarit her to have lyfrent ryt of the fishing so sche had guid ryt to the 1000 merkis and 19 yeiris tak and Mr william barclay being uncertane to quhome to gif the money and reversioun gave it to the official presens of william udny of that ilk

CS7/187/332r(Ogilvie c Cheyne)

[from Warrants and Decreets]

At edinburt ye last day of januar Mvict yeiris

the quhilk day maisteris robert lintoun and robert cokburne procuratouris for robert brountfeild of merkisworthe, alexander brountfeild his broder and certane uyeris thair complices askit instrumentis that thay producit ane assignatioun with the intimatioun yrof with the lrs of poinding askit be ye said alexander thairupoun and repellit the samen for preving of the points of ane exceptioun and duply proponit be thame in ye actioun and caus persewit be Jon ramsay in kaidischeilll agains thame tuiching the spoliatioun fra him of divers and sundrie guidis and geir, bestial and uyeris lit.

and maister thomas craig procuratour for the said Jon ramsay efter the productioun and repetitioun of ye said writtis protestit *quoad alias probationes* and that the said actioun and caus be haldin as concludit and that the saids lords wald advyse with the proces and gif furth thair decreit and sentence yrintil *secundum allegata et probata*

the quhilk protestatioun the saids lords admittit

*Extractum de libro actorum per me magistrum Joannes skene
clericus Regr, etc*

CS15/78/105 (Ramsay c Bruntfeild)

[from Register]

... robert crawfurde[defender] alleging him to be heritabill and ondoutit proprietor of ye 6s 3d pennie land of ye eist quarter of mekil govane and of ye uyr 6s 3d pennie land of belliehoustoun quarter in mekil govane, lordschip and regalitie of glasgow, syrefdome of lanerk, hes raisit summonds and yrwith hes causit summond ye persewar[Mathew Hammilton] to compeir befoir the lords of counsall at ane terme bypast bringing ye infeftment of few ferme grantit to ye persewar be or soverane lord, katheren cuthbert his spous and yair airs mentionat yrintil of ye haill 12s 6d pennie land of ye lands of mekil govane of ye dait - and seasing sen 17 apryle 1598 to be considerit be ye lords and to have hard and sein the samen retreitit

and albeit ye day of compeirance be bypast and yat robert crawfurde raisit summonds of removing agains the persewar for removing of him from the saids lands of befoir, quhairagains he obtenit protestatioun, nevertheles robert crawfurde, **mynding to delay the said persewar be lang pley**, he dwelling distant the space of thrie scoir myles or yrby fra ye burt of edinburt, intends to insist agains the persewar nather in ye said summonds of removing nather in ye said summonds of reducioun, bot intends to delay him be lang proces, to ye said persewaris heavie damage and skayt, without remeid be provydit yрто

thairfoir ye said robert crawfurde to haif producit with him ye summonds of removing togidder with ye summonds of reducioun and to insist in ye pursuit yrof unto ye finall end and decisioun yrof, or ells to have allegit ane ressonall caus quhy the samen suld not have bene done

mathew hammiltoun, persewar, personallie present togidder with Mr henrie balfour his preloquitor

robert crawfurd of possill comperand be Mr alexander king

the lords declaris that robert crawfurde, defender, sal nevir be hard to insist in ye foirsaid pursuit nather for removing nor for reducioun of ye persewaris infeftments of ye saids lands heirefter becaus robert crawfurde was lawfullie summondit to have comperit befoir the lords day bygane to have exhibit ye summonds of removing togidder with ye summonds of reducioun and to have insistit in ye pursuit yrof unto ye finall end or ells to have allegit ane reassoun quhy the samen suld not have bene done with certificatioun and he failyeit the lords wald decerne in maner foirsaid

and he being summondit to yat effect and comperand be Mr alexander king to quhome the lords assignit ane certane day lykways bygane to have insistit in pusuit of ye foirsaid actiouns, with certificatioun to robert crawfurde and he failyeit yrin the lords wald decerne him **never to be hard to insist in ye samyn pursuit nather for removing nor for reducioun of mathewis infeftments of ye saids lands heirefter** as contenit in ye act 12 Junii last, the quhilk act being callit in presence of ye saids lords this instant day and the said robert crawfurde nor na uyris in his name producit ye saids lrs of removing and summonds of reducioun and naways insistit in pursuit yrof conforme to ye desyre of ye principall

summonds and act abovewrittin as was cleirlie understand to ye lords
and thairfoir they decernit in maner foirsaid

and the lords ordanes robert crawfurde to pay to mathew hammiltoun
£12 sustenit be him in obtening of ye said decreit togidder with 40s
payit to ye lordis collector and uyr lrs gif neid beis

CS7/191/343r(Hammiltoun c Crawfurde)

SEEKING SUSPENSION OF LETTERS OF HORNING BECAUSE DECREE TO APPREHEND 134
FULFILLED

[from unindexed papers]

... trew that 23 februar instant James smyt hes past to william forbes of monymusk being williamis residens and dwelling and socht william forbes to haif summondit him personallie,

he culd not apprehend him personallie efter he had knokkit thrie several times at ye yett of his said dwelling place, 3 knokis, than in name and behalf of ye said complener[Jon Erskin of Balhagartie]and as procurator for him offerit yair reallie and with effect ye keyis of his toun and fortalleis of pettoddrie for obedience of the charge of or said uyr lrs, and intimat yair yat ye said toun and fortalleis was void and reid of ye said complener

and requyrit and desyrit ye said william to pas fut for fut with him to ye said tour and fortalleis of pettoddrie and he as procurator forsaid suld enter him reallie actuallie and with effect yrin and yat for obedience of ye charge of or said uyr lrs and decreit of the said lords in all poynts

and ye said requisitiouns and intimatiouns was maid in presens of margrat forbes dochter to ye said william and uyris his servands induelleris becaus ye said william comperit not himself nor na uyris for him in his name to accept ye said offer and requisitiouns,

the said James smyt as procurator foirsaid protestit yat ye said complener and his saids cautioners suld be frie of ye charge of or said uyr lrs and ye saids lords decreit foirsaid in all tyme cuming and yat in effect of his offer and obediens as said is as ane authentik instrument takin yrupoun schawin to ye said lords beirs ...

CS15/77/57[Erskin c Forbes]

[from Register]

qlk day ye lords ordanes lrs to be direct at ye instance of robert scott burges of edinburt to charge ye syreff of selkirk and his deputs and uyr ordinar juges within yis realme within quhais jurisdiction ye witnesses underwrittin dwells and repairs [lists 5]

to serch and seik taik and apprehend and put thame to ye horne for yair noncomperance befoir ye lords to have borne southfast witnessing for preving of ye points of ye summons raisit be ye said robert agains andro bradie of blakhous and patrik bryding son to umquhile adame bryding in hilreiff for payment to him of certane sowmes of money allegit borrowit be umquhile adame bryding fra robert scott and for payment to robert scott of certane males and dewteis of ye lands of kirksteid occupeit be him 1586 and 1587 and for ane lurg dog as contenit in ane act of ye lords 21 december last and proces depending yrupoun

and being apprehendit to exhibit thame befoir ye lords 20 Junii to ye effect they may depone and be examinat sua that ye lords may do forder justice

the said robert scott or ony utheris in his name sufficientlie instructit passand fut for fut with ye saids juges and schaw to yame quhair ye saids witnesses dwells with certificatioun to ye saids juges and thai faillye lrs salbe direct to denunce thame rebels and put yame to ye horne

and forder ordanes ye persewar to summond ye witnesses summondit of befoir and comperit not [lists them] and ma gif pleisis to compeir ye said day ...

CS7/189/280v (Scott c Bryding)

[from Register]

the qlk day ye lords of counsall ordanes lrs to be direct at ye instance of robert scott burges of edinburt to denunce patrik murray of fawlayhill syreff of selkirk or soverane lords rebel and put him to ye horne for his non serching seiking taking and apprehending of James leidlie in kirksteid, thomas lawder eldar in dryope and robert scott of thirlestane, qlks persounes ar denuncit or soverane lordis rebels for noncompearance befoir ye saids lords to have borne witnessing anent ye preving of ye points of ye summons raisit be ye said robert agains andro bridie in blaikhous and patrik brydin son to umquhile andro brydin in hilreiff for nonpayment to him of certane sowmes of money allegit borrowit be ye said umquhile adame brydin fra ye said robert scott and for payment to ye said robert scott of certane sowmes of money as for ye maillis and dewteis of ye saids lands of kirksteid occupeit be ye said andro of ye crops and yeirs of god 1586[sic] and 1598 yeirs and of ane lurgdog, ilk ane of ye saids persounes for yair awin pairtis in maner decydit in ye said summons as at mair lenth is contenit in ane act maid be ye saids lords yrupoun of ye dait 21 december last bypast and proces depending yrupoun

becaus ye said patrik murray was divers tymes laulie summondit to have serchit seikit tane and apprehendit ye foirsaid persounes rebellis and being apprehendit to have exhibite and producit yame befoir ye saids lords at ane certane day bygane to ye effect yai myt have borne witnessing in ye said mater with certificatioun to him and he failyeit ye said lords wald direct yir or lrs to put him to ye horne and siclyk ye saids lords ordanit ye said persewar to have lrs to denunce James wilkein burges of selkirk, adame schaw merchand yair, adame patersoun yair and andro lambert yair or soverane lordis rebels and put yame to ye horne for yair noncompearance befoir ye saids lords to have borne witnessing in ye said mater under divers panes and last under pane of rebelloun with certificatioun etc

qlk charge yai have contemmandlie disobeyit as ye said lrs executorialis and endorsatiouns beirs

and hes assignit to ye persewar 12 Julii to report ye said lrs of horning dewlie execut and endorsat upoun ye said syreff of selkirk and ye witnesses reptlie abovewrittin sua yat yrefter ye saids lords may proceid and do forder justice ...

CS7/189/425r (Scott c Brydin)

[from Register]

anent the summons rasit at the instance of water colquhoun of kilmerdony agains margaret and anna colquhounis dochteris and airs of lyne to umgle Ser umphray colquhoun of luss knyt, alexander colquhoun now of luss brother and air maill and of tailyie to the said umgle ser umphray and the tutors and curators of margaret and anna gif ony for yr interes to heir and sie thame be decernit be decreit of the lords to have amittit and tint and to amit and tyne ye superioritie of all and sundrie the lands of kilmerdony extending to ane hundreth schilling land, the aut merkland and ane half of achingayth, ye fyve merkland of achinvennell moir, the 30 schilling land of stinkdaw and blairhangard in the dukrie of lennox and syrefdome of dumbartane during all the dayis of yr lyfytyme and the complener decernit to be enterit yrto and to bruik and hald ye samen of yr immediat superior yrof

CS7/185/171v(Colquhoun c L Luss)

[from Register]

... the persewars hes lands all lyand in ye parochie of Richardtoun, bailyarie of Kylestewart, syreffdome of Air, pertening to ye persewar in heritage, hauldin immediatelie of Jon wallace of craigie be service of ward and releiff with ye mariage quhen it suld happin allanerlie as yair infeftments grantit to yame and yair predecessors proports

conforme to qlk ye persewar[John Finlay of Schaw]hes bene in possessioun of ye saids lands rowmes and heritage without geving or paying of ony kynd of service dewtie or other executioun to ye said Jon wallace of craigie or his predecessors except allanerlie ye ward and mariage of thame and yair lands quhen ye same hapins to vaik, past memorie of man quhile laitlie yat ye said Jon wallace of craigie presumeing to mak his conqueis upoun ye saids persewars lands and under cullor of justice to dwang[=harrass]yame fra ye possessioun yrof, daylie callis convenis and persewis yame befoir himself and his bailyeis within ye bounds of his jurisdictioun, unlawis yame in cais of yair non comperance and for not serving him in his domestik commoun and foraine adoiss tending yrby to invert and alter ye conditioun of yair infeftments and to do sic service unto him grunto ye said persewars ar na wayis subiect be yair saids infeftments,

and als to pay to him sic dewtie and yeirlie rent as is expres agains ye tenor and effect yrof, qrthrow thai ar alreddie wrakit be ye said Jon wallace daylie and continuell oppressioun and extraordinair proceeding agains yame expres agains all equitie and resson

for ye qlk caus necessar it is yat ye saids persewars yair men tenentis and servands **be exeemit** from ye said Jon wallace of craigie purlis[?=purlieus]and jurisdictioun and he and his bailyeis dischargit simpliciter of all forder calling convening persewing of ony proceeding agains thame in yair said court befoir thame in tyme cuming

CS7/191/15v (Ffinlay c L of Craigie)

[from Register]

...makand mentioun qr the persones defenders

[William Ross of Kilrack, Hutcheoun Ross his son and apparent heir, David Ross of Holme, John Ross in Cantray, his brother, William Ross in Mekill Peddes, William and John Ross his sons]

hes purchast lrs be deliverance of the lords of counsall and causit charge the persewaris

[Alexander Dunbar of Cumnock syreff principall of ye syreffdome of Elgin and Forres, James Dunbar of Tarbert, Alexander Dunbar his son and appeirand air, Robert Dunbar of Burgie, Mr James Dunbar of Sanguhar, Mark Dunbar of Durris, Alexander Dunbar his brother natural, Alexander Dunbar of Lochhill, George Dunbar of Carrie, James Dunbar of Tilliglennis, David and George Dunbar his brother, James Dunbar sumtyme in Kikesock, Alexander Dunbar his son, Patrik Dunbar of Nibirtoun, James Dunbar his brother, Alexander Dunbar in Chirnehill, John Dunbar his son, John Dunbar alias Burgie, James Dunbar son to William Dunbar minister at Dyk, David Dunbar servitor to Alexander Dunbar of Cumnock, Patrik Dunbar syreff deput of Elgin and Forres]

to find sufficient cautioun and lawburrows actit in the buiks of counsall that thai, thair wyfs, bairns, servands, famelie, subtenentis, and cottaris salbe harmles and skaithles of the persewaris in thair bodeis, lands, and nawayis to be molestit etc nor na uyris of thair causing under greit panes in uyr lrs wtin 6 dayis efter the charge and under pane of rebellioun and putting to the horn maist wranguslie

considering it is of veritie that nane of the persewaris that evir hes given thair aiths nor will not give yr aiths that evir thai have iust caus to dreid the said persewaris bodelie harm that thai haif bene offensive to thame in ony wayis and except that thair aiths war given conforme to the ordor, na charges can be given

the panes contenit in the said lrs viz.[lists the Dunbars as far as Inchellane] ilk ane under pane of 2000 merks, and rest ilk ane under pane of £500 as for gryter panes nor is contenit in the act of parliament made anent panes of lawburrows

and grupoun it is not able to the persewaris to find cautioun wtout the samen be first modefeit be the lords of counsall according to the acts of parliament

thairfoir the lrs and proces of horning suld be suspendit simpliciter upoun the persewaris

nevertheles hes fund cautioun in pns of the lords of counsall under the panes foirsaidis unto the tyme the samyn be modifeit and liquidat be the lords of counsall according to the acts of parliament

...the lords finds the lrs of horning purchast be william ross of kilrack etc orderlie procedit and to be put to forder executioun notwtstanding the ressons of suspensioun ay and ql the persewaris find sufficient cautioun actit in the buiks of counsall that william ross of kilrack salbe harmles of alexander dunbar of cumnock, James dunbar of tarbert, alexander dunbar his son and appeirand air and robert dunbar of burgie under pane of £2000 and Mr James dunbar of sanchar, mark dunbar of durris and robert dunbar of inchellane 2000mks and the remanent persewaris under pane of £500

CS7/190/301r(L Kilrack c Syreff of Murray)

[from Register]

... makand mentioun quhair Johne wallace of craigie alleges him to be heritor of ye towne and lands of prestik, baillerie of kylstewart, syrefdome of air ... gave warning befoir witsonday last to ye persewars for removing thameselffs conforme to ye warning and notwithstanding yrof they still occupy ... and debarris ye said Johne wallace yrfra to be bruikit be him as his allegit heritage

he hes yrupoun raisit lrs be deliverance of ye lords of counsall upoun his warning narrative and causit charge ye persewars to find sufficient and responsall cautioners actit in ye buiks of counsall that Johne wallace of craigie salbe harmles and skaythles of ye persewars in his possessioun and occupatioun of ye lands of prestik with pertinents and naways to be trublit nor molestit yrin be yame nor na uyris of yair causing, assistance nor ratihabitoun quhome they may stope or latt directlie nor indirectlie sen ye day of ye charge gevin to yame to find ye said caution to ye finding yrof nor in tyme cuming uyerways nor be order of law and justice ilk ane of yame under pane of 500merks within schort space under pane of rebelloun maist wrangouslie

be reassoun that ye persewars being bailleis, burgesses and friemen, indwellers in ye towne of prestik, bruiks and posseses ye samyn towne and haill lands and privileges and immunities yrof as frie burgesses and heritabill vassells of ye samyn, lyk as they and yair predecessors hes done in all tyme bygane past memorie of man bot ony trubill or impediment conforme to yair heritabill infeftments as yair proper heritage

and ar all meane persounis, indwellers in yair sober vocatiouns be yair handis labor and for ye maist pairt very pure and sua ar unabill to gett cautioners, ilk ane of yame scarslie for ye said sowme of tuentie pundis, and they being na landit men bot puir craftismen and werkmen and not haveand ilk ane of yame in moveabill worth fortie pundis culd nawys haif bein chargit for finding of lawsourtie bot ilk ane of yame under ye pane of tuentie pundis money conforme to yair estaitt and calling and act of parliament that provydis all sic persounis ane lawsourtie conforme to yair estaitt under pane of tuentie or threttie pundis at the maist

and the charge execut agains ye persewars for finding of ye said lawsourtie is nocht for ony wrang or iniurie they or ather of yame can do to ye said Johne wallace of craigie bot onlie to decerne yame to be putt to ye horne qrthrow he may get thair escheittis and sua putt yame to beggarie and enter to yair possessiounis of very avarice and malice

nonetheles for eschewing the danger yrof, ilk ane of ye saids persewars hes fund caution for obedience of ye saids lrs under pane of 500merkis in cais it salbe fund be ye lords at ye ressouning heiroyf they sall underly ye said pane, declarator always being first gevin of yair estait and inhabilitie yranent ...

... the lords suspends ye lrs of horning ... to ceis ay and quhile ye lrs of horning be producit and ye pairtie warnit to the production yrof

and the saids lords haveing consideratioun of the foirsaid persounis persewaris yair estait and conditioun hes modifeit and

modifeis the fairsaid pane of lawburrowis to ye sowme of fortie ^{140₂}
punds for ilk ane of ye persewaris

CS7/191/315r(Tenentis of Prestik c Laird of Craigie)

[from Register]

anent or soverane lords letters purchast at the instance of william dog in auchinleiss and James dog there agains archibald campbell of persae

makand mentioun quhair archibald campbell and david mccarbie allegit tenent and servand to the said archibald and Johne robesoune, allegit heritors of the lands underwrittin allege that the said william dog hes ane grant of the toun and lands of auchinleiss lyand within the baronie of glenilay syrefdome of forfar pertening to the said william dog heritablie and that the said archibald campbell hes ane uyr grant yrof pertening to him heritablie and being dwelling far yfra and the said Johne robesone havand aucht pairt of the same having the same labourit be thair tenentis and servands and that the said william dog haveing conceavit malice and haitreit agains thame intending to mak the same unprofitable to thame, daylie cuttis and distroyis thair cornes and geiris yrof with the compleners bestial stirks and hurts thair servands and guidis being upoun the said archibalds quarter lands and swa daylie oppresses the said archibald his tenentis and servands and will not suffer thame bruik his quarter lands, hes yrupoun raisit uyr lrs be deliverance of the lords and causit charge the compleners to cum and find sufficient caution and lawburrows actit in the buiks of counsall for ye indemnitie of the forenamit persouns thair wyffs bairns servands familie tenentis cotters guidis and geir under pane of ane thowsand pundis within a schort space under pane of rebelloun and putting to the horne intending for non obedience to put thame yrto maist wrangouslie

becaus the pane of ane thowsand pundis is extraordinar grantit upoun the compleners contrair to reassoun and forder nor thay ar able to find caution for seeing by and besyd that, that the said compleners ar chargit be uyr lrs upoun ane simple narratioun of pairtie without onie occasioun of violence or injurie on yr pairt

the said compleners ar meane simple and sober lawborers quha in wyning of thair leving hes ane hard difficill and lawborreous lyff leiving soberlie and thay have not betuix thame bayth worth in moyen guidis nor geir four hundreth merkis qrthrow thay ar wrangouslie chargit and na persoun may for faulter of sufficient releif tak upoun him to be cautioner for the compleners for the pane of ane thowsand merkis the same being far above thair moyen

thairfoir the saids uyr lrs aut to be suspendit upoun the compleners specialie in respect in the 13 parliament held 21 Julii 1593 it is statut and ordanit that in tyme cuming the panes of valables of lawburrows salbe for everie erle or lord £2000, for everie baroun £1000, for everie freehalder 1000 merkis, for everie fewar 500 merkis, for everie yeoman man 100 merkis, for everie gentleman unlandit 200 merkis as the act beirs

and sa it may happin and aucht to be estimat that the compleners ar extraordinar chargit for panes far by the meaning of the said act and the said uyr lrs ar raisit onlie to truble the compleners without onie occasioun, they being of purpos to leive in peax and quietnes, and to the effect it may appear the better how sinisterlie the sam ar raisit and how the said archibald campbell cheiff doar in the said matter denyis the raising yairof, trew it is that the said david mccarbie is bot ane littil hird boy of tuelf or fourtein yeirs auld minor and not to be admittit to gif his ayth as yit that he dreids the said compleners bodelie harme

and thairfoir the said uyr lrs aut to be suspendit upoun thame

nevertheles the saids compleners hes offerit caution for the indemnitie of the saids persouns and yr foirsaid according to the tenor of yr uyr lrs under sic ressonall small panes as the lords wald appoint efter mitigatioun of the foirsaid extraordinar panes

anent the charge given to the foirsaid persouns defenders to have comperit bringand the uyr lrs and to have hard and sein thame suspendit upoun the compleners

the persewars comperand be Mr thomas nicolsoun
the defenders summondit and not comperand

the lords suspend the lrs purchast be archibald campbell and the remanent his colleigis defenders in sa far as the compleners ar chargit to find lawburrows to thame under pane of ane thowsand pundis and decerne the proces of horning to ceis becaus John rattray of west forrest be his lrs obligatour subscrivit be donald carpell noter publict 8 october becum cautioner and sourtie and lawburrows for the said william and James dogis, ilk ane under pane of ane hundreth pundis modifeit be the lords as sufficient pane of lawburrows for the estait and qualitie of the compleners

lrs

CS7/192/170v (Dog c Campbell)

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PROTESTATION FOR TERM ASSIGNED TO BE 'HALDIN AS CIRCUMDUCIT AND THE
SAID ACTIOUN AND CAUS CONCLUDIT'

in pns of the lords comperit Mr william oliphant for dame margret
stewart lady saltoun and producit the extract of ane act of 11
merche last extractit out of the buiks of counsall and under the
sign and subscriptioun of Mr Jon skene clerk of his maties register
berand 24 mai nixt yrefter and now last bypast to have bene assignit
to adame bruntfeild servitor to william sinclar of rosling for
preveng the points of the summons raisit be adame bruntfeild agains
dame margret stewart tuiching the wrangous eiection of george
finlasoun furth of all and haill ane half husbandland in over
saltoun and siclyk beiring the said day to have bene assignit to the
said adame bruntfeild persewar to have summondit dame margret
stewart to compeir befor the lords to have hard and sein ye
witnesses and probatioun producit be adame bruntfeild for preveng of
the summons ressavit sworne and admittit to depone in the said
mater as is contenit in ye extract of the said act dait foirsaid
Mr william oliphant procurator desyrit ye said persewar or his
procurators in his name to produce diligence upoun the foirsaid act
for satisfeing of ye said terme in respect the said day of
comperance contenit yrin wes bypast and becaus the persewar nor na
uyris in his name producit na diligence qr the said dame margret
stewart wes laulie summondit to have comperit befor the lords to
the effect abovewrittin thairfoir protestit that ye said terme
assignit to the said adame bruntfeild agains the said dame margret
in the said mater be haldin as circumducit and ye said actioun and
caus concludit sa far as concerns ye said dame margret stewart and
yt na forder terme nor diligence be assignit to ye persewar agains
hir in ye said mater, the quhilk protestatioun the said lords
admittit

CS7/185/228r (Bruntfeild c Lady Saltoun)

Quhilk day in pns. of the lords of counsall comperit Mr johne scharpe and robert leirmounth prors. for david creichtoun of brigtown and jeane ker mres. of boyd and productit ane copie of or soverane lords lres auchteine august last qrbv they togidder with david foullertoun, robert boyd of badinhaith, colonell david boyd of cunghill and dame margaret colquhoun lady boyd wer summond at the instance of robert harper in cruikitholme george dickie in tapunthank and johne cruikis in cruikismylne to haif comperit befor the lords of counsall first day november last bringing with them thair lrs richts and titills qrbv they clame the saids pursewaris males, fermes and dewteis of the lands of cruikitholme tapunthank and cruikismylne with the milnes and pertinentis yrof the yeiris of god 1591, 1592 and 1593 and in tyme cuming to have bene considered be ye lords that they may decerne qlk of thame hes best richt and to quhome the saids persewaris sould anser and mak payment and the pairteis fund be the lords to haif na richt to haif herd thame decernit to desist fra the males fermes and dewteis as at mair lenth is contenit in the copie and lrs and the day of comperance being lang bypast the pursewar comperit not to produce the principall lrs and nane of the remanent pairteis to haif productit thair richts and tytills the said Mr johne scharpe and robert leirmounth prors. foirsaid for the pairt of the said david creichtoun of lugtoun(brigtoun?)and jeane ker Mres of boyd being reddy to produce thair richts thairfoir the saids Mrs jon scharpe and rot leirmounth protestit that thair saids clientis sould not be haldin to anser to the saids persewaris unto ye tyme they wer of new summond again and yair expensses refoundit to thame and that that yair said lrs purchast be thame in the samen mater nicht haif effect and be put to forder executioun in all pointis efter the forme and tenor yrof Quhilk protestatioun the saids lords admitted and ordanes the persewar to refund and pay to the saids david creichtoun of lugtoun and jeane ker the soume of 6 lib as for expensses of pley maid and debursit be thame in obtening this pnt protestatioun togidder with the soume of xls payit be thame to the saids lords collector conforme to thair act and ordinance and ordanes lrs to be direct for recoverie of the said expensses upoun ane simpill charge of sex dayis allanerlie

CS7/187 221r(Mres of Boyd c Harper)

The quhilk day in pns. of the lords of counsal comperit Mr thomas gray pror. for thomas crumbie in prestounpans and helene morte his spous and producit ane copie of or soverane lords lrs of 24 august last qrbay thay wer summoned at the instance of robert hammiltoun in prestoun to have comperit befoir the lords of counsal 1 november last bringand the lrs obligator maid be umgle george morte and margaret achesoun his spous qrbay they band them and thair airs to releif the said thomas crumbie and helene morte of the soume of 200 merkis and annrent. yrof addettit conforme to an infetment given furthe of ye westmest pan and tenement of the samen lyand in prestounpans be west ye newhaven at ye feist of witsunday 1596 regrat. in the commiser buikis of edinburt agains george hammiltoun son to ye said robert hammiltoun as exer. confermit to umquhile george morte and agains the said robert father and lawful administrator to george his son togidder with the commiseris precept and lrs of horning to have bein sein by the lords of counsal confirmed on the pursewar in tyme cuming for divers causes as in the said copie of the lrs the day of comperance now past and the said robert hammiltoun comperit to produce the principall lrs Mr thomas gray pror. for ye said thomas crumbie and his spous being reddy to have satisfeit the production in the said mater Thairfoir ye said Mr thomas gray pror. protestit that his said clientis sould not be haldin to anser to ye said pursewar in ye said mater unto ye tyme he wer of new summoned again and his expensses refundit to him and that his said lrs purchest be him in ye said mater nicht haif effect and be put to forder executioun in all pointis Qlk protestatioun the lords admittit and ordanes ye said robert hammiltoun to refund content and pay to the said thomas crumbie and his spous the soume of sex pund for expensses of pley maid debursit and sustenit be thame in obteneing this pnt. protestatioun togidder with the soume of xls payit be him to ye saids lords collector conforme to thair act and ordinance maid yranent lrs to be direct for recoverie of ye said expensses upoun ane simpil charge of sex dayis allanerlie

CS7/187/187r(Abircrumbie c Hammiltoun)

[from Register]

... michael gilbert with consent of his saids curators and ye remanent defenders comperand as son and air to umquhile Mr thomas gilbert renuncit and dischargit ye said contract with all infeftments yat hes followit or may follow yrupoun in favor of ye laird of garthland and remanent persewars and grantit ye foirsaid annuelrent laulie redemit

qlk renunciatioun and grant of redemptioun ye lords finds to be as sufficient and valiabill to ye said laird of garthland siclyk and in ye samyn maner as gif ye said michael gilbert war major and of his perfyte age of 21 yeirs compleit ...

CS7/189/421v (Gilbert c Garthland)

...to have hard and sein the pndit decreit retreitit for the reassouns following

to wit becaus the pndit decreit was given for null defence the pairteis not comperand and the defenses competent to the said complener to have stayit the geving of the said pndit decreit of removing in cais they had comperit ar now competent to thame in the second instance to reduce the pndit decreit of removing and trew it is that in caice the saids compleners agains quhome the pndit decreit was given had comperit and allegit in dew tyme and place that the said Johne hall younger persewar hes the lyverent tak of the thrid pairt of ane merkland set to him be - mure of rowallane of gainleith with qlk Johne hall occupeit the 13s 4d land of gainleith and commoun mure of the said mure of machirnok pro indiviso lyk as he and his predecessors bruikit the samen peciablle in all tyme bygane past memorie of man as undividit

qlk exceptioun in cais it had bene proponit in ye first instance wald have stayit ye giving of the said pndit decreit of removing and now is maist relevant in ye secund instance to reduce the samen pndit decreit, thairfoir the pndit decreit of removing sould be reducit etc ...

the saids defenders robert peiblis and marie hunter his spous comperand be Johne haliday quha allegit contrair ye reassoun abovewrittin of the summons that the defende aut to be simpliciter assoilyeit thairfra becaus he offers him to preve that the said merkland contenit in the said reassoun qlk pertenet to robert peiblis is severall kenit and knawin fra ye said thrid pairt merkland occupeit be ye persewar pertening to the laird of rowallane

secundlie that the communitie of ye mure of machirnok mure fra ye qlk ye persewar is decernit to flit is lykways severallie kenit and knawin fra ye thrid pairt merkland qrof the persewar allegis him to be taksman and offers him to preve sufficientlie

CS7/185/293r(Hall c Peiblis)

...to have hard and sene ye samyn assignatioun reducit etc at ye leist ye said sisteris brother dochter and her airs to be restorit *in integrum* agains ye said assignatioun as gif ye samyn had nevir bene for the ressouns following

becaus ... umquhile Mr John robertsoun maid ye said assignatioun to John robertsoun and umquhile - robertsoun his sister and failyeing of hir be deceis to umquhile Mr John robertsoun and ye said alexander hammiltoun **in his deidbed** haveing contractit ane deidlie seiknes than and mony days of befoir, lyand bedfast and that tyme and divers oulks[=weeks] of befoir, lyk as of ye said deidlie seiknes contractit he departit and deceist furth of yis lyf qrby he maid dispositioun of ye said annuelrent[of 200 merkis]heratabill to ye saids persouns in prejudice of his said brother dochteris and airs foirsaidis quha sould have succeidit yrto

thairfoir ye pndit assignatioun at yair instances sould be reducit etc ...

Ye lords assoilyeis simpliciter John robertsoun minor, maister alexander hammiltoun of drumcorce and John robertsoun tailyeor in linlytgow, defenders, frome ye petitioun of ye persewars and fra ye haill points contenit in ye summons of reducioun

becaus it was allegit be mr John mcgill for ye defenders that they aut to be simpliciter assoilyeit frome ye ressoun of reducioun becaus he offers him to preve that umquhile Mr John ross wes mony dayis and oulks efter ye making of ye said assignatioun in guid helth and abill to travell to kirk and mercatt and gaid[=went]divers dayis efter ye making of ye said assignatioun up and down his awin hous and dwelling place in linlytgow and daylie dyneitt and soupit at his awin burde amang his houshald folks, playit at cartes and dyce and oft tymes invitit and callit his frends to denner and supper and keipit trystis with sundrie of his frends within his dwelling hous in ye said toun of linlytgow divers dayis efter ye dait of ye said assignatioun and leveit be ye space of sex oulks at ye leist efter ye making of ye said assignatioun

and thairfoir he being haill in mynd and abill to travell notwithstanding ony diseases contractit be him in his bodie divers dayis efter ye making of ye said assignatioun he myt have maid the samyn to be effectuall to ye defenders

qlk allegiance was fund relevant be ye lords ... term assignit to ye defenders and they provit sufficiientlie

thairfoir ye lords assoilyeit in maner foirsaid

lrs gif neid beis

CS7/191/285v(Hammiltoun c Robertsoun)

anent the summons raisit at the instance of jon dowglas in craigmowie and george dowglas in margnestoun agains ser James dowglas of drumlanrig knyrt and alexander Jardane of apilgirth and all pretending to have entres tuiching the exhibitoun of the pndit lrs obligatour and band maid be Jon and george dowglases at drumlanrig 7 november last

beirand thame as principals and James Jardane as cautiouner for thame to be bundin and oblist everie ane of thame, thair airs and assignayes to ser James dowglas his airs and assignayes, that forsamekle as Johne and James dowglases being denuncit or soverane lordis rebels and ser James dowglas haveing obtenit lrs of captioun yrupoun and be vertew yrof apprehendit thame and they being decernit captive be him and for sundrie offenses committit be yame ather in word or in deid they cravit god and the laird thair maister mercie

and for satisfactioun of ye saids offenses, Johne and george dowglases as principals and alexander Jardane yair cautiouner band and oblist yame and yair foirsaidis to refound and deliver to ser James dowglas and his foirsaidis all and sundrie the haill guidis and geir not intromettit with be him as they that can be knawin to have appertenit to thame, tyme of thair denunciatioun and now to him be vertew of escheit to be usit at his pleasor

and albeit ye hail taks, rowmes and possessiouns appertene justlie to ye said ser James be vertew of escheit, yit for his better satisfactioun and forder significatioun of thair obedience they oblist yame willingly to deliver all wryts, ryts or evidents quhatsumever that they have or can be knawin to have of the rowmes of schynnelheid, craigmowie and margnestoun and to refound the foirsaidis guidis and writts to ser James upoun 10 dayis warning efter thair libertie to be usit at his pleasor and to satisfie all complenars of ony wrangis or oppressionis done be yame or ony of yairs be ordor of law and that they nather now nor at na tyme heirefter sal beir quarrell to na persone nor persones that wes in companie with ser James the tyme of yair apprehensioun and taking ordor with the samen

and alsua that they sall keip guid ordor in tyme cuming and attempt na doing by ordor of law and justice and enter thair persones to the said ser James dowglas upoun 10 days warning gif he or his foirsaidis requyre and to that effect alexander Jardane of appilgirth, cautiouner, band him and his foirsaidis to observe, keip and fulfil the haill premises under the pane of fyve thowsand merkis

and the saids principals and thair cautiouner oblist thame to renew ye said band in maist ampill forme and the said principals oblist thame to releif yair said cautiouner and his foirsaidis of the haill premisses as the said lrs obligatour beirs

togedder with the decreit of registratioun or quatsumevir uyr decreit or decreits interponit yrto or obtenit yrupoun sen ye said 7 november last bypast to be sene and considerit be the lords

and to heir and sie the said pndit lrs and band with decreits interponit yrto and obtenit yrupoun gif ony be retreitit, rescindit, cassit, admittit, decernit and declarit be decreit of the lords of

counsall to have bene fra the beginning, to be now and in all tyme¹⁴⁸²
cuming null and of nane avail for divers causes as contenit in the
summonds ...

CS7/193/61r(Dowglas c Drumlanrig)

..tuiching the production of ane pndit breve of or soverane lordis chancellarie purchast at the instance of Jon fullertoun [of dryhome]for serving him as narrest and laul air to umquhile Jon fullertoun of dreghorne his guidser ... and speciallie the exceptioun declinator proponit be ye said william cunninghame and his procurators ... quhairby it was allegit that george angus younger could not be clerk in ye said proces and service in sua far as sara wallace his spous stud in secund degrie of consanguinitie with umquhile John fullertoun and the said george in secund degrie of consanguinitie to him, as contenit in ye proces ... and twa interloquitors pronuncit be ye said baillie and his deput

... to have bene considerit be ye lords and to have hard and sene the said twa interloquitors, gif ony be, with the said proces proceeding yrupoun reducit etc and consequentlie ye said retour with the foirsaid letters, precept and instruments of seasing following yrupoun reducit etc and ye said william cunninghame of capringtoun, his airs and successors to be in lyk estait and conditioun in ye pecabil bruiking ... as gif ye said retour had never bene grantit nor seasing tane be umquhile Jon fullertoun of dreghorne be vertew of ye said precept

and als ye saids persouns of inqueist led upoun ye said service for yr manifest and wilful error, to have hard and sene thame decernit to have incurrit the pane of *temere incautium super assisam* and ye said baillie and his deput to be punist in yr persouns and guidis according to the laws and consuetude of yis realme for the reasons underwritin

because ye breve of inqueist raisit furth of chancellarie wes direct to ye baillie principal of kyilstewart and his deputs for serving of ye said umquhile Jon fullertoun in ye saids lands[of thrie merkland and ane half of carnegullane]it being of veritie that from ye beginning thair wes never ane certane judgement stablischt nayer in ye persoun of ye said juge nor in ye clark nor yit was ye court lauchfullie fencit be reasoun the court yat was fencit from ye beginning was haldin be James cunninghame of inchegottul and george cathcart burges of air, baillie deputs of ye said baillierie quha wer decernit[?] to be judges for lauchfull exceptiouns declinators proponit agains thame, sua that the judgement begun[?]be tham ceissit, and all courts fencit be thame expyrit

quhilks twa judges led and delyverit the said John mitchell wobster burges of prestwik efter ye discussing of all the parteis allegances be ye foirsaid judges, of new fencit ye said court in ane unlauchful tyme viz at thrie hors efter none or yrby, and yat in his awin name as is manifest be ye proces, it being of veritie that he was nather judge nor baillie principal nor deput, nather yit was he evine lauchfullie creatt nor evir had ony jurisdiction competent in his persoun bot was moveit and seducitt purposlie at the desyre of ye said umquhile Jon fullertoun of dreghorne

and for ye effect and favor that he sould creat ane man to be judge to ye said service quha wes unletterat and never excessit in onie civil judgement of befoir and quha had never decydit in onie caus or judiciall act except ye foirsaid service and pretendand not grantand yat he had bene court baillie of ye said baillierie

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yit neverthheles it is out of all questioun yat na court may be fencit ayer in civill or criminall causes except in lauchfull and dew tyme, that is befoir tuelff hors befor none, qlk solemnitie hes ever bene keipit and agains ye qlk nayer hes evir bene proponit in ye contrair to ye qlk judgement deducit in sua unlauchfull ane tyme nane of or soverane lordis leidges wes oblist to obey

and sua far as concerns ye persoun of george angus younger, clark, it is certane that he could not use the office of clarkship in servess of ye said breve becaus in dew tyme it was obiectit agains him in ye presence of ye said Jon mitchell pndit baillie of ye said baillierie yat sara wallace his spous was sceund in degrie of consanguinitie with ye said umquhile Jon fullertoun of dregorne being sister and brother bairns as als ye said george is secund in degrie of consanguinitie with ye said John fullertoun of dreghorne

qlk allegiance was valid and sufficient of ye law

notwithstanding of qlk allegiance the said pndit baillie proceidit further in serving of ye said breve sua that he gave na manner of anser to the said declinator, in ye quhilk he manifestlie errit and committit greit iniquitie

at ye leist notwithstanding of ye said exceptioun he sufferit the said george to use ye said office of clarkschip in serving of ye said breve, qlk of ye self is sufficient inuch to retreit the foirsaid proces for ye manifest iniquitie of ye said judge comittit in ye samyn

moreover althoch it was allegit yt efter befoir ye said baillie yat ye saids lands wes hald be vertew of ane infetment of ye said william cunninghame of capringtoun of ye saids lands in ye qlk he and his predecessors war infet immediatelie haldin of his superiors, yit nevertheles the said judge nayer gave his interloquitor upoun ye said exceptioun nayer yit admitit ye samen to be tryit be ye said assise in ye qlk also he errit and committit greit wrang

of ye qlk it follows necessar yat ye judgement wes naways establischit from ye beginning in ye persoun of the said judge, clark, nor yit haveand consideratioun to ye jurisdiction of ye samyn judge ... thairfoir ye said proces with ye retour and letters and ye said precept and seasing following yrupoun aut to be reducit, retreitit and annullit

CS7/191/164r(Capringtoun c Dreghorne)

ALLEGATION for pursuer

... to have bene sein and to have hard the charter, infeftment and seasing retrietit becaus the tyme of the making of the charter, 1st November 1596, umgle Johne cunninghame was than lyk as he was be ye space of four monethes or yrby immediatelie preceeding, visitit with heavie and deidlie infirmitie and seiknes and hait fiver qlk thairefter beand pestein[?] in his lodge swa that he was not able throw his infirmitie in persoun be his lang contractit seiknes to travell to the ground but was borne and led yrto be ye persones being in companie with him and efter the giving of the said pretendit seasing wes also borne and led to his dwelling of pitgovar furth of the qlk he was never able to travell nor nawys convalesscit but deceist 13 - yeir abovementionat schortlie efter the giving of the pndit infeftment and seasing

swa given on deid bed and never be ye laws and pratik of this land culd mak ony sic infeftment or dispositioun of his lands in hurt and preiudice of his air maill and of tailyie

thairfoir the said infeftment suld be declarit be ye lords null etc it is speciallie provydit and statut be act of parliament that all infeftments of onie wecht or importance quhair the makers thairof can nocht subscribe thameselffis sall be subscryvit be tua famous and legall noters and in sa far as the samen may appeir to be subscryvit be Mr Johnne gib, allet connoter, the complener offers to impreve the samen sufficientlie *per testes insertos ac omni alio modo quo de iure*

thairfoir the defenders to have comperit to have hard the infeftment retreitit

ALLEGATION for defender

the lords assoilyeis mareoun patoun fra the petitioun of the persewar becaus it was allegit be Mr patrik spens upoun 27 december last contrair the the first ressoun of reduction that mareoun aucht to be assoilyeit becaus the deceis was 15 days efter the giving of seasing on 1st november and the said umquhile Johnne cunninghame past upoun his awin fute unled to the toun of govar to the castell chapell and uyr touns and retournit without help

it was allegit for mareoun patoun contrair the first and second ressones that absolvitor aut to be grantit becaus the infeftments proceedit upoun the contract of marriage made betuix Johnne cunninghame and mareoun patoun lang befor the giving of seasing upoun qlk contract marriage followit be qlk Jon band him and his airs to infeft mareoun in lyfrent in tua oxingait of land of eistertoun of pitgovar according to qlk umgle Jon infeft mareoun and Jon cunninghame, persewar, being now air to umgle Johnne, maun of the law be oblist to warrand his deid and swa can never be hard to querell the said seasing qlk hes proceedit upoun the said contract of marriage

qlk tua allegaunces wer fund relevant and admittit to the defenderis probatioun and divers tymes being assignit to her for preving sche provit sufficientlie thairfoir the lords assoilyeit the said mareoun patoun fra the petitioun of the persewar
CS7/186/194r[Patoun c Cunninghame]

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REASONS GIVEN FOR REDUCTION OF A DECREE BY THE LORDS OF COUNCIL
ORDAINING ALEXANDER DUNBAR OF CUMNOCK TO HAVE BEEN DEPRIVED OF THE
SUPERIORITY OF THE LANDS AND BARONY OF CUMNOCK

... becaus the pndit decreit given agains the persewar for tynsall of ye superioritie of ye saids lands wes gevin agains him for null defence and in his absence the tyme yat he and his tutors wes at the Raid in the nort pairt of this realme, he being syreff of murray, and sua necessarilie behovit him to be in his majesties service and his actor

viz patrik dunbar of boighill never knew of the saids persewars nor yit comperit they in defence yrof, and he being at the tyme ane pupill not passand the age of ten yeiris culd not compeir be himself to haif defendit in ye said mater

and how sone the tutors knew of ye said decreit they *debito tempore* within 40 dayis efter the geving yrof raisit breves furth of ye said chancellarie for serving of ye said alexander dunbar of cumnok in ye saids lands and baronie of cumnok and superiorities yrof, within quhilk baronie the foirsaid lands lyis

and siclyk upoun 16 august 1589 obtenit special deliverance befor the lords of counsall commanding the clerkis of chancellarie to superceid and continue the furthgeving and directing of ony preceptis to ye said william cunninghame of capringtoun for geving of seasing to be haldin of ye said alexander superior, notwithstanding of ye said pndit decreit or ony deliverance to be grantit yrupoun, and that for ye space of 40 dayis yrefter, with ye quhilk deliverance the saids clerkis wes dischargit

notwithstanding of ye quhilk diligence sua usit be ye said alexander and of the said deliverance to him be ye saids lords for staying of ony precepts to be direct furth of ye said chancellarie, the said william cunninghame of capringtoun ... purchast preceptis of the said chancellarie and obtenit himself infest in the foirsaid lands and at the verie tyme of the calling and persewing of the saids breifs, the said william cunninghame of capringtoun comperit and desyrit him to be admitit for his entres to have payit the service yrof and then productit his seasing of ye saids lands to yat effect

and be his comperance and productioun of ye said seasing the service of ye said breiff wes stayit and impedit

and yrupoun ye said william hes tane infestment of ye saids lands to be hauldin of or soverane lord quhairas uyerwayis he suld have bene infest yrintil to be hauldin of ye said alexander his immediat superior of ye saids lands, be ye quhilk pndit infestment and staying of him in the service of ye said breiff, the said alexander wes than and as yit gretumlie hurt and is debarrit fra ye ryt and superioritie of ye saids lands

and now he aut to be restorit *in integrum* agains the said pndit decreit, he being than and as yit ane minor quha can not be hurt be decreit and sinister proceeding of ye said william cunninghame to ye effect that he may raise breves and obtene himself to be servit and retorit to ye ryt and superioritie of the saids lands and now he aucht to be restorit *in integrum* agains the said pndit decreit, he

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being than and as yit ane minor can not be hurt be the indirect and simple proceeding of the said william cunninghame of capringtoun to ye effect that he may raise breves and obtene himself to be servit and reourit to ye ryt and superioritie of ye saids lands and purchase himself to be infeft yrintil, quhairthrow ye said william cunninghame may hald the same off him as his immediat tenent, conforme to the said alexander dunbar and his predecessoris infeftment of ye saids lands

and thairfoir the said pndit decreit and lrs of horning quhairupoun the samen proceidit with the said william cunninghame his awin infeftment as following yrupoun to be haldin of or soverane lord aucht and suld be **reducit, retreinit, rescindit, cassit and annulit and decernit** to have bene fra the beginning null and of nane avall, force, strenth nor effect with all that hes followit or may follow yairupoun, and the persewar to be restorit *in integrum* agains the said pdit decreit as giff the same had nevir bene given to the effect the said alexander dunbar of cumnok may raise breves and obtene himself infeft yrintil quhairthrow the said william cunninghame of capringtoun may have the saids lands off him as his immediat superior yairof

secundlie becaus the said pndir lrs and charges be ye quhilk it wes allegit yat ye said alexander dunbar of cumnok wes chargit to enter as air to ye said umquhile James dunbar of cumnok his father wer not execut agains him ayer personallie apprehendit or at his dwelling place quhair he thane dwelt and remanit bot wer onlie execut at ye mercat croce yrof, the said alexander and his tutor not having yair dwelling and remaining yair bot be ye contrair yair actual dwelling and remaining wes in ye burt of ffores in murray quhair they thane dwelt and remanit and be ye space of ane year of befoir and ye said alexander and his tutors wer nevir chargit personallie nor at yair dwelling place thair nor be opin proclamatioun at ye mercat croce of ye burt of ffores quhair they dwelt and remanit

and sua ye said pndit lrs of charges and executiouns yrof war nawys laullie execut agains the persewar to have enterit air to ye said umquhile father

and gif it may appeir be ye said lrs and executiouns yrof that ye said alexander and his tutors wes chargit all personallie at yair dwelling places and be opin proclamatioun at ye mercat croce of the heid burgh of ye schyre quhair they dwelt, the said alexander offers him to improve the same directlie by ye witnesses insert *et omni alio modo quo de iure* and being improvin the said pndit decreit as haiffing na uther ground nor fundament bot ye saids lrs and charges direct yrupounmaid sall fall and be null *in consequentia*

and thairfoir the said pndit decreit as following and depending upoun ye said pndit decreit aucht and suld be **reducit** etc and the persewar restorit *in integrum* as gif the same had never bene given to ye effect that alexander dunbar of cumnok may raise breves and obtene himself infeft thairintil, quhairthrow william cunninghame of capringtoun hald the saids lands of him as his immediat superior, as in the principal summons, act, lrs and haill proces led and deducit yrintil

. . .

the lords of counsall with consent of the laird of capringtoun ordanes alexander dunbar of cumnok to raise his breves furth of or

soverane lordis chancellarie and to caus himself to be servit to the superioritie of the said haill lands betuixt ye dait heirof and 15 merche nixtocum and howsone the laird of cumnok beis servit to the superioritie of the same lands and seasit yairin, the saids lords ordanes him of his awin consent to giff ane precept of **clare constat** authentiklie sealit and subscrivit be him to the said laird of capringtoun entering him to ye propertie of ye saids lands as air to umquhile william cunninghame his father conforme to ye originall infeftments of the same lands quhilks originall charters and evidents ye said william sall produce to ye said alexander befoir ye making and perfyting of ye said precept of **clare constat** and ye samyn precept of **clare constat** salbe maid conforme yrto in all points

the quhilk precept being seallit and subscrivit and yrfter deliverit to the laird of capringtoun to ye effect he may tak seasing yrupoun of the saids lands to be haldin of the laird of cumnok and his airs in the same maner as his predecessors hald the samyn of befoir

the lords of counsall of consent of the laird of capringtoun **reduces** etc the foirsaid decreit and lrs of charges quhairupoun the decreit proceedit with infeftments grantit to the laird of capringtoun following yairupoun

and declaris the samyn to be in all tyme efter the decreit of **clare constat** to be gevin to the laird of capringtoun be the laird of cumnok null and of nane avail, force nor effect

and siclyk the lotrds decernis and declaris yat ye foirsaid infeftment grantit to the laird of capringtoun of the foirsaid lands haldin be him of or soverane lord proceeding upoun ye foirsaid decreit sal naways stay the said alexanderis service to ye superioritie of ye saids lands

and giff the laird of capringtoun sall impede and stay the said alexander dunbar of cumnok in ye service of him to ye superioritie of ye saids lands be productioun of ye said infeftment the tyme thairof, the saids lords reduces etc ye foirsaid decreit, lrs raisit yairupoun and infeftment following upoun ye samyn and declaris ye samyn to be null fra ye beginning and in all tyme cuming efter the forme and tenor of ye said reasson of reductioun

CS7/191/404r(L Cumnok c L Capringtoun)

anent ye summons raisit at ye instance of James cairstairis laul son and air of umquhile william carstairis merchand suntyme citiner of sanct androis be quhom ye pndit lrs of interdictioun ar allet to be maid and grantit agains Mr James martine proveist of sanct salvatoris college, Jon mertine and alexander cairstairis citiners of sanct androis now onlyff to quhom and in quhais favor ye pndit lrs of interdictioun ar allet to be maid, david mauld commiser of sanct androis and Jon arnot commiser clark in quhais buiks ye principall lrs of interdictioun ar regrat and all uthers havand or pretendand to have entres

tuiching ye productioun of ye band of interdictioun allet subscrivit be James cairstairis togedder with ye pndit act of 15 apryle 1587 in pns of umquhile Mr thomas methven of craigtoun yan commiser of sanct androis allet sittand in judgement in ye college kirk of sanct salvator within ye said citie and beirand that **in presence of ye said commiser comperit ye said persewar afferming him to be tuentie ane yeiris of his aige compleit and naways abill to rewle gyd nor governe his bodie guidis nor geir** and haifing dew consideratioun with himself his awin weillfair utilitie and profeit being foirsene and prejudit[?] and being myndit with ye advyse and consent of his maist narrest and tender freindis to ye preservatioun of his lands and heritage undisponit

bot yat ye samen may be preservit saif and furthcumand to ye weill utilitie and profeit of ye said James posteritie, interdytit and suspendit himself fra all maner of alienatioun selling or disposing of ony of his guidis geir lands heritage quhatsumever or ony pairt yrof or annuelrents to be taine furth of ye samen at ony tyme yrefter **without ye advyse counsall expres consent and assent** of ye said Mr James mertine, Jon and umquhile Mr allane mertines, ye said alexander and umquhile charles cairstaires citiners of sanct androis had and obtenit yrto

togedder with ye pndit publicatioun and denunciatioun gif ony be maid upoun ye said pndit interdictioun at ye mercat croce of ye citie of sanct androis, ye burt of cowper or ony uyr places quhatsumever proceeding upoun ye said interdictioun

to be sene and considerit be ye lords and to have hard and sene ye pndit interdictioun, band, obligatioun or act maid yrupoun with ye pndit publicatioun and denunciatioun following on ye samen and haill executorialls yrof decernit be decret of ye lords of counsall to be reitit etc at ye leist decernit be decret to be expyrit and ineffectual in all tyme cuming and ye persewar reponit in his awin place with full power libertie and licence to sett use and dispone upoun all and sundrie his lands heritage and possessiouns at his pleasor without ye advyse and consent of all persouns requyrit and obtenit yrto to quhatsumever persoun or persounes as he sal think expedient as gif ye pndit interdictioun and publicatioun had never bene maid ...

CS7/189/269v (Cairstairis c Mertine)

REDUCTION OF A MARRIAGE CONTRACT

153.

[from Register]

... to have hard and sene the said pndit contract and infeftment bene retreitit ... declarit to ceis and be ineffectual and expyrit in yameselffis and ye ryt of ye foirsaid lands to remaine with the said alexander stewart now of garleis[pursuer]as son and air als freilie in all respectis as if ye said pndit contract and infeftments had never bene maid and the said dame elizabethdowglas ladie maxwell decernit to renunce and discharge ye same for ye causes following

because of ye laws and pratiqs of yis realme universallie observit in all tymes bygane, gif ane man and woman be mareit in cais ather of ye parteis deceises within yeir and day efter ye solemnizatioun of ye said mariage, na bairns being procreat betuix thame, than and in yat cais ye woman deceisand, hir tocher guid reurnis to hir parentis and freindis gevars yrof and na pairt yrof remanis with ye husband, ressave,

and in cais ye husband deceises, ye coniunct fie and lyfrent grantit to his wyffe *introitu matrimonii* returnis to his airis and hir ryt and tytil maid to hir yrupoun ceisses as gif the samyn had never [bene]maid nor na mariage solemnizat betuix ye saids parteis

and trew it is yat ye said umquhile ser alexander and ye said dame elizabeth was anis mareit and yat ye foirsaid contract of mariage was perfytit and subscryvit betuix ye saids paretis and ye foirsaid infeftments grantit yrupoun, yit ye said dame elizabeth can be vertew yrof pretend na ryt not tytil to ye lands and uyris contenit in ye said contract and infeftments

Bot ye samyn now is becum ineffectual and man ceis and ye said dame elizabeth be decernit to renunce ye samyn as gif ye said pndit contract and infeftment following yrupoun had never bene maid nor grantit in sua far as ye said umquhile ser alexander and dame elizabeth was upoun - Julii 1596 solemnizatlie mareit in face of halie kirk and ye said ye said umquhile ser alexander immediatelie efter ye said mariage viz upoun ye - day of october ye yeir foirsaid, within yeir and day, depairtit yis lyffe and yat without onie bairnes procreat betuix yame qrbly of ye law and pratiqs of yis realme ye said dame elizabeth, hir ryt and tytil maid to hir *introitu matrimonii* as said is is becum ineffectual and ceisses and ye said dame elizabeth can pretend na maner of ryt nor tytil yrto na mair nor gif ye said mariage had never followit

and ye said dame elizabeth being wedow befoir hir mariage with ye said umquhile ser alexander thair is na tocher guid payit nor delyverit to him ye tyme of ye solemnizatioun of ye said mariage of befoir nor yrefetr nather be vertew of ye said contract of mariage nor uther wayis

and in cais ony may be verifeit to have bene payit and delyverit to him, ye said alexander stewart now of garleis, son and air foirsaid and his curators are content to rander and delyver ye samyn to ye said dame elizabeth and to put hir in ye samyn stait and conditioun concerning ye said tocher and all uther thingis givin be hir to umquhile ser alexander stewart *introitu matrimonii* as sche was befoir

and thairfoir ye said pndit contract of mariage with ye haill
infetments and securiteis following yrpoun aucht and sould be
retraitit at ye leist declarit to have bene in all tymes cuming fra
ye deceis of umquhile ser alexander null, of na -, ineffectual as
gif etc and dame elizabeth decernit to renunce ye samyn and to
restoir ye males fermes and dewteis sche hes ressavit be vertew of
ye said contract

CS7/191/156r(L of Garleis c Ladie Maxwell)

[from Register]

anent the summons rasit at the instance of Mr thomas hamiltoun of drumcarne advocat to or soverane for his hienes entres and of gilbert broun son and air servit to umgle andro broun of hartrie of the lands of hartrie wt pertinents and yrby having sufficient entres to persew the reducioun of the retour

agains Johne hay of smeithfeild, michael hunter of polmude, william aslowane burges of edr [list] persounes of inqueist being upoun the service of the brevis of or soverane lordis chappell impenetrat at the instance of elizabeth and umgle margaret brounis tua of the dochteris of umgle gilbert broun appeirand of hartrie son of umgle richart broun of hartrie as the tua neirest airs portioneris of umgle richart broun yr guidser of the lands of hartrie wt pertinents extending to the tuentie pund land of auld extent in the baronie of kilboche[?]regalitie of dalkyt and syrefdome of peiblis and the said elizabeth broun at quhais instance the ane of the saids breves wes impenetrat and at quhais instance the service underwritin wes maid, and als said elizabeth as laull sister and air at ye leist apparend air of the said umgle margaret broun hir sister, at quhais instance the uyr of the said breves wer rasit and service followit yrupoun for hir entres

and siclyk robert stewart, david brysoun and James chalmers ordiner maseris syrefs in yat pairt of the syrefdome of peiblis be or soverane lordis commissioun under the greit seill be deliverance of the lords oof counsall speciallie constitut

befoir quhome the processes of the service of said breves wes deducit for yr entresses and all uyris pretending to have entres tuiching the production befor the lords of counsall of the proces of services and retours and all and sundrie acts of the same proces the said services and retours be the qlks the said persounes of inqueist servit and retourit that the said umgle richart broun of hartrie guidser to elizabeth and umgle margaret diet last vestit and seasit as of fie at the faith and peace of or soverane lord of all and hail the lands of hartrie wt pertinents and that elizabeth wes eldest of tua airs portioneris of richart broun as in the said retour and proces of foirsaid service is contenit

and tuiching the production of ane uyr retour and service that margaret was oy and ane of tua airs portioneris of richart broun of hartrie

to haif hard the saids pndit processes, services and retours and saids precepts and instrumentis of sasing of lds of hartrie grantit to elizabeth and umgle margaret bein declarit null

and the saids persounes of inqueist being upoun the said services for yr error to haif bein punist in yr persounes and guidis according to the laws and consuetudes of this realme for divers causes

Mr thomas hammiltoun of drumcarne advocat to or soverane lord pllie pnt

gilbert broun persewar compeirit be Mr robert lintoun

the defenderis summond but not compeirit

the lords reduces annuls etc the foirsaid processes, services and retours and the saids precepts and instruments of seasing of the lands of hartrie grantit to elizabeth and umgle margaret to be null becaus the defenders wer summond to have compeirit bringing processes, services, and precepts and instruments of seasing under divers panes and thay failie the lords

wald decerne in maner foirsaid and thay failed in production yrof

CS7/190/122r(L Advocat c Hay)

[from Register]

... ane letter of tak ... to have bene declarit null etc at ye leist ye persewar restorit *in integrum* becaus be ye priveledge and liberteis grantit unto minors the tyme of yr minoritie and befoir they be of the aige of 25 yeirs compleit off the commoun law and practik of this realme it is expresslie provydit yat all taks, assedatiouns and uyr deids quhatsumever done be ane minor the tyme of his minoritie through the futilitie of his age and to his enorme hurt and lesioun are reduceabill at ye leist ye persoun settar and granter yrof in his minoritie as said is suitand restitutioun befoir he be of the said aige of 25 yeirs compleit, aucht to be restorit *in integrum* agains ye said takis and deidis as gif ye samen had never bene sett or grantit and done

trew that tak was grantit during lord glamis minoritie and les aige throw futilitie of his aige and to his enorme hurt becaus ye samen tak was sett with expres diminutioun of ye rentall in sua far as divers yeiris immediatelie preceeding ye setting yrof, ye said tenement yaird and aikers by and besyde ye teind scheves, money yeirlie with airage cairage and uyr dew service payit yeirlie to ye said nobill lord and his predecessors and uys in thair names ye sowme of 4 pundis ... with 2 firlots beir for everie ane of ye said 12 aikers extending to 6 bolls by and attour ye 4 pundis ...

CS7/191/95r(L Glameis c Wilsoun)

156

PERSONAL LETTER OF INSTRUCTION TO HIS OFFICERS TO CHARGE TENENTS TO
REMOVE

[from Warrants and Decreets]

Alexander glendonyng of partoun heretabill proprietare of the lands underwrittin to my lovittis symone glendonyng in partoun and gilbert glendonyng

My officaris and servandis in yat pairt coniunctlie and severalie specialie constitute greiting I charge yow or ony ane of yow yat incontinent yis my precept sene ye pas fortie dayis preceiding ye feist and terme of witsonday nixttocum in yis instant yeir of god Mvctforscoir and sevintene yeiris and lauchfullie command warne and charge Maister gilbert gordoun in sermeis[?] and Jon kennand pndit occupiaris and possessors of all and haill my twa merklandis and ane half of over evie of auld extent with houses biggingis and pertinentis of ye samyn lyand within ye parochin of partoun and stewartrie of kirkcudbryt

to flit and remove thame selffis thair wyffis bairnis familieis cotteris subtennentis guidis and geir furth and fra ye saids lands with ye pertinentis decist and leif yrfra and leve ye samyn void and reid ilk ane of thame for thair awin pairtis sa far as yai occupie of ye samyn at ye said terme of witsonday

quhairby I my servands and uyeris in my name may thane peciablief enter yrto and bruik jois set labor manure and dispone yrupoun at my pleaser as my heritage

and that ye use suit ye haill ordor of warning upoun yame contenit in or soverane lords act of parliament maid anent warning of possessors of lands to remove yrfra with certificatioun gif they or ony of yame occupye or possess ye saids lands or ony pairt or pertinent yrof efter ye said terme of witsonday they salbe repute and haldin as violent possessors yrof and callit and compellit to pay ye violent profeittis and utter availl of ye samyn according to ye said act of parliament and to justice as ye will anser to me upoun ye dew executione of yor office

the quhilk to do I commit to yow coniunctlie and severalie my full power Be yis my precept subscrivit with my hand at dumfreis the xxviii day of Marche Mvct lxxxxvii yeiris Befoir yir witnesses williams herreis sone to ye laird of mabie, Jon lanerik in dumfreis, symone glendonyng in pairtoun and Jon thomsone ushare to richart thomsone with uyeris divers

[signed] alexr glendoning of partoun
wt my hand

CS15/78/106 (Glendonyng c Aschennane)

... the lords of counsall decerns and ordanes lrs to be direct simpliciter charging ye said george warrane to flitt and remove himself his servands familie subtenentis cotters guidis and geir furth and fra all and haill ye said lands of over mauvennis with houses biggings yairds and pertinentis yrof sua far as he occupeis yrof and to leve ye samyn void and red, decist and ceis yrfra in tyme cuming and suffer ye said persewar his tenentis and servandis in his name enter yrto and peacablie bruik and joyse ye samyn as his heritage at his pleasor in tyme cuming conforme to his said infeftment, warning and act of parliament in all points

CS7/189/375r (Spens c his Tenentis)

him and his airs, and band to warrand the said mylne to John hunter during the nonredemptioun yrof for the auld dewtie payand agains all deidlies[?]

defenders comperand be Mr oliver colt

the lords ordanes gilbert adamsoun to warrand acqueit and defend to the persewar his airs and assignays during all the tyme of the nonlaul redemptioun of all and hail the mylne lands etc set and rentallit to the persewar and his airs be umqle henry adamsoun frie quhite and saif at all hands haifand or pretendand to have entres, specialie at the hands of helene orme pndit lyfrentrix and uyr titil and actioun of removing and warning persewit be hir agains the said persewar and of all consequences, perrellis etc and of the samen males, profeits, multures, suckin, knaiffschip and dewteis yrof to be usit etc be ye persewar and his foirsaid as auld kyndlie tennent and rentaller yrof during all the tyme of the nonredemptioun conforme to his rentall and band of warrandice or ells as mekill of guid land, mylne, mylnlands and pertinents als weill lyand and haldin and of als greit availl and profeit be yeir and als commodious in all respects as is the said newmylne, lands, houses etc

becaus efter inspectioun had be ye said Mr oliver colt of said band it was allegit be Mr oliver that the band is fals and offerit to improve the samen and ane term being assignit thay failyeit in doing of diligence for proving yrof and ane protestatioun was admittit in the contrair circumduceand the said terme as was cleirlye understand to the lords

lrs

CS7/190/310r (Hunter c Adamsoun)

anent the summons rasis at the instance of John hunter in the newmylne of cluthymoir agais gilbert adamsoun son and laulie chargit to enter air to umgle henry adamsoun burges of perth his father, helene orme his moder and James adamsoun burges of ye said burgh and all uyris, the tutors and curators of gilbert gif ony for yr entres

makand mentioun that henry adamsoun having obtenit wadset to him his airs & assignayis of the newmylne of cluthymoir wt mylnlands and pertinents, parochie of gask, syrefdome of perth, be umgle laurence lord oliphant, and the said umgle henry acknowledging the persewar and his predecessors successive efter uyris to haif bein kyndlie rentallers and tenentis of the newmylne and lands past memorie of man and that umgle laurence lord oliphant in his tyme and efter his deceis laurence Mr lord oliphant his oy had guid favor to the persewar as yr auld **kyndlie tennent** of the said mylne and mylnlands grupoun umgle henry adamsoun in corroboratioun of the persewaris rentall grantit him to have ressavit fra the persewar as his tennent of newmylne the soume of £20 and that for his new entrie be him yrto as wadset haifar of the newmylne sa lang as he had richt yrto, the samen standand unredemit fra him, his airs, to warrand the said mylne, lands wt pertinents to the said Johne hunter, persewar, and his airs during the nonredemptioun yrof for the auld dewtie paying agais all deidlie[?]as his said rentall and obligatioun of warrandice 10 mai 1596 proportis

trew that helene orme relict of umgle henry adamsoun under pretence of ane lyfrent titil maid be umgle henry adamsoun hir husband of the said persewaris mylne, lands and pertinents hes be hir precept and offir causit warn the persewar to flit etc agais witsunday 1600 and intends to obtene decreit of removing agais the persewar and his airs and to dispossess them of his tak and rentall and will not fail to evict and defraud him of the profeits, multures, dewteis and commooditeis

thairfoir in respect yrof according to the tenor of umgle henryis tak and rentall gilbert adamsoun son and laulie chargit to enter ... and the tutors and curators gif ony suld warrand to the persewar his airs during the tyme foirsaid of the said nonlaul redemptioun, all and hail the newmylne wt lands and pertinents to be frie acquit and saif at all hands haifand or pretendand to haif entres, specialie at the hands of helene orme relict foirsaid, his moder, pndit lyfrentrix and of hir said removing intentit agais the persewar and of hir said pndit lyfrent richt and warning past yrupoun and also of all consequences yrof perrellis dangers etc that may follow and also fra all uyr perrellis questiouns and clame that may be allegit upoun the said mylne or ony pairt yrof **or ellis as meikle as guid land**, mylne and mylnlands wt pertinents lyand and haldin of als greit avall and proffeit be yeir and also commoditeis in all respects as said mylne etc grin the said persewar was and is rentallit

nevertheles the said gilbert adamsoun refuses wtout compulsioun thairfoir the defenders to haif comperit ...

the persewar comperand be Mr richard spens quha producit ane band 10 mai 1596 be henry adamsoun qrby he grantit him to have ressavit fra John hunter his tennent in newmylne of cluthymoir £20 for his entres to the mylne sa lang as he suld have richt standand unredemit fra

[from Register]

...the lords decerns the defenders [tenants of Nether Auchlochaine, parish of Lesmahagow] not to remove because it was allegit be Mr umphra blinscheill for the defenders that thay aucht to be simpliciter assoilyeit fra removing becaus be ane decreit arbitrall gevin be the lords of counsall betuix Jon Marqueis of hammiltoun on the ane pairt and the persewaris author on the uyr pairt concerning the lands lit. and certane uyris lands of lesmahagow it is specialie provydit yrintil that the auld kyndlie tenentis suld not be removit during thair tyme and trew that Jonet young is and hes bene kyndlie tenent yrintil this 50 yeirs and george rutherfurde is hir sone and James rutherfurde hir oy and bruiks the said lands wt himself

CS7/190/346r (Hammiltoun c his Tenentis)

... trew that Jon hair sumtyme indwellar in tinnyngame occupier of all ane aiker of lyand in the nort syd of ye halff aikers yrof with houses, biggings, yairds and pertinents callit ross aikers and Jon hewart wobster in dunbar, tenent of uyr tua aikers, ane yrof lyand in cotcoftis[?]and the uyr in brigis

... without ony kynd of warning, ordor of removing usit and wont be the said persewar to have the tenentis removit fra the saids aikers and left the same vaik and red and the persewar is frustrat and disappointit of the males and the same will becum untillt and unprofitabil and ruinous be lying yrof wast, to his hurt and skayt as also to the skayt as also to the hurt and preiudice of ye commoun wealth of yis cuntrey unles remede be provydit yrto

anent the charge to Jon hair and Jon hewart to have comperit to have hard them decernit be decreit of the lords to occupy, labor and manure the saids aikers and to inhabit and posses ye houses and to have fund cautioun actit in the buiks of counsall for guid payment to the persewar of the yeirlie males etc at ye leist to have hard it declarit be decreit that it suld be leasom to the persewar to enter the land etc ...

the lords declaris that it is leasom to the persewar to enter without ony danger of protestatioun becaus the defenders wer summondit to have hard them decernit to have occupyit and laborit and to have fund sufficient cautioun for the males and dewteis with certificatioun and they fail the lords wald decerne as abovewrittin

lrs

CS7/188/186r (L of Bass c his Tenentis)

[from Warrants and Decrees]

James Be ye grace of god king of scottis to oure lovittis George Irland oure syreffis in yat pairt coniunctlie and severallie speciallie constitute greting fforsamekle as it is humlie menit and schawin to us be or lovit counsalor Maister Johne prestoun of fentoun barnis or collector and ane of ye senators of or college of iustice that quhair ye said complener hes lykeas he had ye tyme of ye warneing underwritin of befoir and continewallie sensyne all and hale ye landis of Buitland with housses bigginges yairdes toftes croftes onsettes pairtes pendicles and pertinentis of ye samyn lyand within ye parochin of courry and or syrefdome of edinburgh pertening to him in heritage as his infetment and saising yairof proportions And befoir ye feist and terme of witsonday lastbypast in yis instant yeir of god M sex hundreth yeiris the said complener causit lauchfullie warne william borthvik in buitland hill robert lochane in ye temple hous meg bell william schanks in ye hous of ye mure alexr adamesoun in ye nether toun of buitland and (BLANK) gordane yr Johne selfrik in yr uper(?) toun of buitland adame yoistiane yr Johne lochane yr eister James schanks yr and wester James schanks yr pndit tennentis possessoures and occupyaris of ye said complaneris landis of buitland with housses bigginges yairdes onsettes toftes croftes pairtes pendicles and pertinentes of ye samyn to flit and remove yame selffes yair wyffes bairnes famelies servandis subtenentis cottaris guidis and geir furth and fra ye samyn ilk ane of yame for yair awin pairtes rplie safar as yai occupy yairof and to haif desistit and ceist yairfra and left ye samyn voyde and red at ye said terme and yan usit ye haile ordor of warning proscrvit in or act of parliament maid yranent as ye said compleneris precept dewlie execute and indorsate yairupoun beris

Nevertheless ye saidis persones pndit. tennentes and occupyares foirsaidis hes violentlie occupyit detenit and wthaldin fra ye said compliner his sundrie landis of buitland with housses bigginges yairdes onsettes pairtes pendicles and pertinents of ye samyn continewallie sen ye terme and as yit onnawayis will desist and ceis yairfra without yai be compellit

OUR WILL IS heirfoir and we charge yow that ye lauchfullie summond warne and charge ye foirsaidis persones pndit. tennentes and occupyares abovewritin to compeir befoir us and or counsale at edinburgh or quhair it sall happin us to be for the tyme ye nyntene day of julii instant in ye hor of caus wt continewatioun of dayis to heir and sie or uyaris lres. be decernit be decretit at ye said compleneris instance in all the foure formes and ilk forme to be execute efter uyairis within tuentie foure houris and ye warding place to be in or castell of dunbertane in caice of disobeyance chargeing thame to flit and remove yame selffes yair wyffes bairnes famelie servandis subtenentes cottaris guidis and geir ffurth and fra ye said compleneris landis of buitland with housses bigginges yairdes onsettes toftes croftes pairtes pendicles and pertinentes of ye samyn ilk of yame for yr awin pairt safar as yai occupy yairof And to desist and ceis yairfra and leve ye samyn voyde and red to ye effect ye said complener may enter thairto peicablie bruik joyse occupy labor and manure ye samyn be himself his servandis and uyairs in his name sett use and dispone yairupoun as his proper heretage at his plesyr in tyme cuming conforme to his infetment of ye samyn Or elles to schaw ane ressoll. caus quhy ye samyn could not be done with certificatioun to thame and yai failzie yairin that ye lords of or counsale will decerne or uyairis lres. to be direct in maner and to ye effect abovewritin according to iustice as ye will anser to

us thairupoun the quhilk to do we committ to yow coniunctlie and ¹⁶¹²
severallie or full power Be yir or lres. delyvering yame be yow
dewlie execute and indorsate againe to the berar Gevin under or
signet At edinburgh ye aucht day of Julii and of or Regne ye
threttie thrie yeir 1600

Ex deliberatione duorum. consilii

Ri.Kene(sign for W.S.)

Alayng
ix julii

CS15/78/101 (Prestoun c Tens. of Buitland)

[from Warrants and Decrees]

... be contract betuixt Mr george lauder of bass on the ane pairt and patrik hepburne of kirklandhills on the uyr pairt he hes sauld and disponit samen lands of wester lochhouses, lordschip of tyninghame, regalirtie of sanct androis to mr george his airs and assignayes heritable

and becaus the saids lands ar haldin of the maisteris of the new college of sanct androis quhais consentis as yit the said patrik hes nocht obtenit to the making of the said alienatioun quhairby Mr george lyis out of the foirsaid lands and **is not infeft and seasit**

notwithstanding qrof, to ye effect that in the menetye he be not frustrat and disappoyntit of payment of the yeirlie mails dewteis and services during his nocht infeftment, patrik hes maid and constitut mr george his airs and assignayes factors in rem suam in and to ane contract betuix Mrs andro melvil, Johne Johnstoun, and James melvill maisters of the said new college persouns and vicars of the saids lands on the ane pairt and patrik hepburn on the uyr pairt in and to samekil yrof as concerns the tak of the parsonage and vicarage teyndis of the saids twa husbandlands and siclyk in and to all richt kyndnes and possessioun heretabill or uyrwayis quhilk the said patrik or his foirsaidis may clame, mails dewteis teynd scheves and small teinds with power to Mr george lauder to remove etc the tenentis, to uplift the mails 1599 crop and in tyme cuming as the assignatioun and factorie be patrik to Mr george 29 august last proportis

nevertheles John hammiltoun in lochhouses, thomas robert, Johne and william his sons, tenentis of the 2 husbandlands hes at yr awin pleasur without ony warning or ordor of removing useit at the said compleneris or ony of thair instances agains thame **removed fra ye said houses etc and hes left the samen reid voyd and lyand lie**[=untilled] mynding yrby to frustrat and disappoynt the said Mr george lauder of bass of all payment of ye mails fermes and dewteis of the yeir abovementionat and 1600 approchand conforme to the assignatioun and lr of factorie not onlie to his hevie damage and skaith bot also to the greit hurt and preiudice of the commoun weill of this or realme unless we and the lords of or counsall provyd remeid

we charge yow to summond Johne hammiltoun [etc] ... his sons to compeir 15 Januar to heir and sie thame decernit be decreit of the lords to enter to the possessioun, laboring and manuring of the saids husbandlands with housing biggings yairds and pertinents yrof and to use occupye and labor the samen dewlie and sufficientlie as appertenis and to susteine and interteine the houses and biggings yrof during the tyme of thair occupatioun and to find sufficient caution and souretie to the said Mr george lauder of bass for payment to him of the yeirlie mails etc during ye said space ay and quhile they be lauchfullie callit and ordorlie put yrfra be ye law at ye leist the saids persones to heir and sie it be fundin and declarit be decreit of the lords that it salbe lesum to the said mr george his tenentis to enetr without ony danger of eiectioun or violent profits ...

CS15/78/24 (Hepburne and Lauder c Hammiltoun)

Anent the summons raisit at the instance of robert fairlie of
kirkwod, Jon cairneduff and ... his spouse, James cairneduff agains
James lockart younger of lus and allane lockart for the wrangeous
spoliatioun fra ye persewar 15 Junii last 1599 furt of yat pairt of
the fyvepund land of kirkwod of ye hors, ky and otheris guidis and
geir
thairfoir ye defenderis to have hard thame decernit be decreet of
the lordis to restore thame or the avails
the persewar comperand be Mr robert lintoun
the defenderis summond and not comperand
the lordis continew unto xiiii februar
the persewar to summond witnesses documentis and to warn the
defenderis to compear etc.

CS7/188/197r (Fairlie v L. of Lus)

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DWELLING HOUSE IN GLENSHINNOCHE, STEWARTRY OF KIRKCUDBRIGHT AND
CONTENTS THEREOF

[from Register]

HOUSE

... the defenders to anser at the instance of or lovit James ffergusoun of glenschinnoche ... for the wrangeous violent and masterfull distractioun demolishing and downcasting be thameselffis, yair servands, complices and uyris in yair names of yair causing, command, assistance and ratihabitoun in ye moneth of Julii 1585 yeirs of ye dwelling hous boundit and situat upoun ye grund of ye saids lands of glenschinnoche ... to wit of ane hall chalmer and laiche seller, being ane house of thrie hous heicht, the walls yrof being of stane and lyme haiffing for cuppillis[=sloping rafters] sett on ye ruiff with ane uther laich hall and ane chalmer upoun ye end yrof contenand fyve cuppill and ane barne of fyve cuppill, twa byres, ilk ane of yame for cuppill,

and for ye spoliatioun and awaytaking of ye dures windois ruiffis cuppillis pantreis and uyr timmer wark of ye samyn, ye damage yrof sustenit be ye said david ffergussoun extending be guid estimatioun to ye sowme of ane thowsand pundis money of yis realme

CONTENTS

ye saids lands and hous furnischit with 5 fedder beddis, bousteris, coddis, codwaris, scheitis, blanketis and coveringis estimat ilk fedder bed to 20 merks

3 greit pottis price of ye pece 6 merks

2 greit caldrounis p of p 20 mks

2 pannis ilk pece 40s

ane girdill 4 pundis

2 speitis, 2 rakis p orheid 5 mks

4 timmer stand beddis p of p 6 mks

4 greit aikin kistis p of p 6 mks

within ye sds kistis 40 elnis of small lynning p of elnne 6s 8d

40 elnes of round lynning p of elne 4s

10 elnes of small quhytt[claith]p of elne 20s

12 elnis of grayis p of elne 20s

40 elnis of quhytt claith p of elne 13s 4d

2 staine wecht of woll, p of staine 4 pundis

twa staine wecht of selff blak woll, p of staine 8 mks

40 stane of cheis p of ye staine 2 mks

20 staine of butter, p of staine 4 mks

4 bollis meill pp of boll measure foirsaid 4 pundis

ane boll of meill p yrof 6 pundis

CS7/191/197v(Ffergussoun c Maxwell)

anent ye summons raisit at ye instance of william murray broder
germane to sir Jon murray of ecclestoun takisman of ye teynd shevis
of ye provestrie of creichtoun agains James hepburne now in
sauchwell for ye wrangeous spoliatioun on 12 13 14 and remanent
dayis of october 1599 of ye teynd shevis, parochin of creichtoun,
sereffdome of edinburt

the defender to haif hard hih decernit be decrete of ye Lordis to
restoir teyndis or avails ...

Lordis continews to 7 Februar

persewar to summond wits etc...

CS7/188/164v(Murray v Hepburne)

quhilk day in the actioun and caus of spoliatioun persewit be william cunnynghame of capringtoun takisman of the teynd shevis of the toun and lands of enterkin, daldork, and uyris agains william dunbar of enterkin, david dunbar of daldork, william speir in holmeheid, andro umphra in cline, [+17 names] for spoliatioun of the teynd sheves of tarboltoun fra william cunnynghame 1596, 1597, 1598, as ye proces dependand beiris

william cunnynghame of capringtoun pllie present togedder with Jon halliday his preloquitor, producit ane lr of tak set to him be ye persoune of tarboltoun of ye teynd sheves and producit thrie several inhibitiounis

quhairof ye first is execut be Johnne fowlar xxxix august 1596 inhibiting the haill parochiners of tarboltoun na ways to intromet wt yair teynd sheves 1596

secund inhibitioun

execut be david bordland messinger xxviii august 1597 inhibiting parochiners of tarboltoun na ways to teynd etc.

third execut be david bordland 6 august 1598 inhibiting parochiners etc

and ye said laird of capringtoun repetit ye saids writs and depositiouns of witnesses and renuncit furder probatioun ...

CS7/191/194r (Capringtoun v Enterkin).

anent ye summons raisit at ye instance of James crawfurd portioner
of brochtoun agains anthon murray servitor to murray of balvard,
James murray portioner of wester duddingstoun for ye wrangeous
spoliatioun 26 Julii 1597 furth of the lands of brochtoun his
pasture and boigs yrof sereffdome of edinburt of ane gray hors of 7
yeir compleit price 200 merkis and profeits
persewar comperand be Mr Jon dawling
anthon murray and James murray comperand be Mr James moncreiff
Lordis continews to 24 Januar
persewar to summond witnesses produce documentis warn defenderis etc

CS7/188/138v (Crawfurd v Murray)

168,

PETITION FOR LORD AND CLERK TO COME TO ILL MAN'S BEDSIDE TO HEAR HIS
OATH

[from Warrants and Decreets]

My lords of counsall unto yor Ll humblie menis and schawis us yor servitors ser James scott of balwerie knyht and william lavel of balumbie that quhair yair is ane forder actioun and caus moving and persewit befoir yor Ll at ye instance of Johne ramsay sumtyme in ye forth and now at ye mylne of balmossie agains us, and Johne schewane merchand burges of dundie in quhais hands the sowme underwritin is allegit [? torn] ffor making furhcumand of ye sowme of xi ct and L merkis to ye said Johne ramsay for payment of certane sowmes of money allegit awand be us to him

quhilk actioun being upoun the thrid day of Julii instant callit in presens of yor Ll and we bayt pairteis comperand be or procurators, it was allegit be us that ye said sowme aut not to be maid furthcumand to ye said persewar

Beacaus gif ony sowmes of money apperteneing to us or ather of us was in ye hands of ye said Johne schewane the tyme of the making of the said arreistment the same was consignit be us in his hands as ther[=thesaurer]of ye said burt of dundie for the tyme ffor redemptioun of ane annuelrent sauld be me ye said william lavel to umquhile ser george haliburtoun of petcur knyht fforth of my lands and living and sua was nawayis poindabill for or debt

to ye quhilk it was anserit be ye said persewar yat ye said soume arreistit in ye hands of ye said Johne schewane war altogidder distrenyeabill and aut and suld be maid furthcumand to the said persewar for payment of ane pairt of or debt

Beacaus that I the said ser James consigner of ye samyn sowmes as assignay to the said reversioun had sen ye tyme of ye samyn consignatioun past fra the order of redemptioun and desyrit the said sowme up againe declaring expreslie that I had past fra the samyn order of redemptioun and be myself at ye leist be utheris in my name haifing my power haif upliftit ane pairt of ye samyn sowmes consignit

quhilk alledgeance and anser maid for elyding yrof being hard and considerat be yor Ll ye repellit ye said alledgeance in respect of ye anser abovewrittin quhilk ye haif admittit to the said persewaris probatioun

quha in place of uther probatioun of the said reply referrit the samyn to myne the said ser James scottis ayt of veritie simpliciter and for preiving yrof assignit to him the[blank] day of Julii instant with continewatioun of dayis etc as yor Ll act maid yeirupoun beiris

quhilk reply or anser abovewrittin is proponit be the said Johne ramsay only to protract and delay tyme and the same is referrit to myne the said ser James ayt of veritie knowing me to be diseasit and sa not abill to compeir befoir yor Lls to depone yranent lyk as I am in deid very havilie diseasit lyand in ye place of killerny and may nawayis repair to edinburt to geif my ayt in presens of yor Ll upoun ye veritie of ye foirsaid reply [in margin] as ane testimoniall thairof heirwith producit beiris]

168₂
sa that I will for not compeirance be haldin *pro confesso* and
decreit gevin in condemnatioun [torn]

thairfoir we beseik yor Ll to ordane ane of yor nowmer and ane clark
to pas to the said place of killerny and ressave myne ye said ser
James ayt of veritie upoun ye anser abovespecifeit upoun my awin
expenses and to report my depositioun to yor Ll and yor Ll anser

[signed]Th Rickartoun

CS15/79/91 (Ramsay c Schewane)

[from Warrants and Decrees]

My lords of counsall unto yor Ll humblie menis and schawis maister thomas hammiltoun of drumcarne and Mr ronald baine in edinburt that quhair in ye caus persewit be us befoir yor Ll agains thomas broun elder mercheand burges of edinburt anent the heiring of him to have violentlie and maisterfullie deforcit his majesteis messinger at ye yett and dwelling hous of Mr walter mubery upoun the xv day of maii lastbypast and deforsing him in executioun of his office

and thairfoir to be decernit to be punischit in his persone and guidis conforme to ye lawis of this realme for stopping of the quhilk persuit thair wes ane peremptor exceptioun proponit for ye pairt of ye said persewar admittit to his probatioun and ye xvi day of Julii instant assignit to him for preving yrof **onlie for drift of tyme** and stopping and hindering of justice as yor lords may preve be ye words of the said pndit exceptioun insert at lenth in yor Ll act to wit that ye said thomas broun is ane man past threscoir xv yeirs of eage and yat yrby he wes not habill to deforce the said messinger

secundlie that [he] aucht nawayis to have execut his office within burt and maid open durris without concurrence of ye burrow officers as ye act concerning ye said allegiances producit beirs

be inspectioun of the quhilkis yor Ll may preave that ye said pndit exceptiouns ar onlie proponit for drift of tyme and stopping of justice viz that ye defendar wald not deforce ye messinger becaus of his eage and inhabilitie and the secund allegiance that he aut not to have execut his office within burt without concurrence of ye toun officiars and yrby meaning to mak ye burt and ye officials superioure to ye king and auctoritie and his messingeris

therfoir we beseik yor Ll to have consideratioun of the premisses and yat ye lyk novaltie to schist and delay justice hes not bene hard mainlie upoun sic frivoll allegiances that not onlie for ye caus herof bot for the sampills saik that yor Ll will giff command to ye lord sittand in ye utter hous to call us pairteis and or procurators at ye bar and to heir us in the said mater to say agains the said pndit exceptiounis qroir ye samen sall not be proponit or usit for stopping and hindering of or said just persuit and to stop ye ressaving of ony probatioun of the saids pndit allegiances quhile we be hard and ye veritie ressonit and tryit according to justice and yor Ll anser

[signed] Schort etc

[outside] apud edr xvii Julii anno ct Lxxxxix

the lordis ordanis the lord in the uterhous to call yis mater and heir the pairteis yrin and discharges the ressaving of ony probatioun in the meantyme

[signed] Fyvie I P D
Edzell

CS15/79/80 (Browne c Bayne)

[from Register]

transferris ye contract and appointment and decreit of ye lords
interponit yrto qrof ye tenor followis

at edinburt 11 februar 1585 in presence of the lords comperit
personallie Mr Jon prestoun procurator speciallie constitut for Mr
walter lindsay of kemphill as principal be yis contract underwritin
and Mr Jon lindsay parsoun of menmure and Jon richardsoun saidler
burges of edinburt as cautioners and souerteis for Mr walter
personallie for thamselvs on ye ane pairt and patrik gray broder
germane to patrik lord gray for himself and dame euphame murray Lady
rossyth his spous on ye uther pairt and gave in this contract and
appointmment following subscrivit with yair hands and dessyrit ye
same to be insert and registrat in ye buiks of counsall to have ye
streth and effect of ane act and decreit of ye lords yrof in tyme
to cum and yair auctoritie to be interponit yrto with lrs and
executorialls to be direct upoun yame for fulfilling yrof in all
points in maner specifeit yrintil

the qlk desyr the saids lords thocht ressonall and thairfoir ordanit
and ordanes ye said contract and appointment to be insert and
registrat in ye saids buiks to have the streth force and effect of
yair act and decreit in tyme to cum and hes interponit and
interponis yair decreit and auctoritie yrto and decernis and ordanis
lrs and executorialls to be direct upoun ather of ye saids pairteis
principall and cautioners for fulfilling yrof in all points in
maner specifeit yrintil of qlk ye tenor followis ...

CS7/189/396r (Gray c Lindsay)

[from Register]

1

They[ie the provost and baillies of Edinburgh] have na act nor decreit agais the pursewar for allegit dettis he has not grupoun to satisfie nor pay detts to thame ye saids detts qlk it pleis god of his infinite mercie to rais him up againe as *uberiorem fortunam* sua yat ye said persewar will not fail to perische in ye said prisoun in extreme famine haveing not grupoun to susteine him yrintill to his utter wrak and decay for evir and albeit ye said persewar be content for eschewing of ye danger of his lyff to mak saids persones and retane of thame *cessioneres bonorum* to all his guids and geir and qll thay be satisfeit of all thingis yat thay may iustlie recover of him be law of thir allegit detts nevertheless albeit ye said persewar is content to do the samen for eschewing of ye danger foirsaid yit ye said provost and bailleis onnawayis accept ye samen and set him to libertie to be unharmit molestit or trublit be the saids persones in tyme cuming nather will ye foirsaid ressave and accept the samen thameselffis seeing na farder lyis in the persewaris possibilitie to do to thame yranent sua that he will not fail to perische in the said warld except the lordis of counsall compassioun his wofull and indigent estait and miserie to his utter ruine and decay, waiting(?) tymeous ye word be provydit

The lordis ordanes the saids provost and bailleis to put the said persewar to libertie furth of said ward to pas and repas as his maties. liege in all tyme cuming within thrie houris

CS7/187/150 (Bynning c Provost & Bailleis of Edinburgh)

2

[from Register]

However it is of veritie that the persewar [Johne Dryisdail]is nawayis iustlie addettit for the maist pairt but the said wardings are maist wranguslie usit agais him be ye malice of unfrends and howbeit he wer addettit yrintill as he is not indeid yit he hes not grupoun to satisfie nor pay to yame the said allet dettis til it pleis god of his infinit mercie to raise him up *ab uriore rem fortunam* sua that yrby the persewar having nathing to sustene him in the said wairde will not fail to perische throw lack of sustentatioun and albeit he be content for eschewing of the danger of his lyfe to mak the saids persounes and everie ane of yame *cessionaris* and assignais to all his guids and geir and dettis pnt and to cum to be intromettit be thame grevir the samen can be apprehendit in burt or land ay and qll thay be satisfeit yrof and of all thingis thay can iustlie seik or acclame of him or recover agais him be the law he being persewit or orderlie yrfoir, and albeit na forder lyis in the said persewaris possibilitie to do heiranent, yit albeit he hes offerit the samen, yit thay alluterlie refus nather yit will ye bailleis do the samen themselffis to his utter wrak ruine and decay except the lords of counsall provyde remeid

The lords ordanes the bailleis of cannongait to put the persewar to libertie furth of the said waird to pas and repas qr he pleisis as or soverane lords frie liege wtin 3 huris

CS7/190/101v(Dryisdail c Kello & Uyris)

[from Register]

anent ye supplicatioun gevin in befoir ye lords of counsall be Jon maxwell of aikinheid agains Mr thomas hammiltoun advocat to or soverane and sir James maxwell of calderwod knyt

tuiching ye productioun befoir ye lords of counsall of ye principall lyt summons of recognitioun raisit be yame agains ye laird of aikinheid anent ye recognitioun of ye ten pund land of aikinheid and fyve merk land of haidcornehill togedder with ye act and lrs raisit yrupoun with ye gift of recognitioun qrupoun ye samen is foundit to be considerit be ye lords and to have hard yame decernit to insist in ye pursuit of ye said summons and act of recognitioun sua far as ye samyn may be extendit to ye lands of haigcornehill **unto ye finall end and decisioun of ye samyn but intromissioun or delay** or els to have allet ane ressonall caus quhy ye samyn sould not have bene done as contenit in ye supplicatioun

... ye lords continews ye supplicatioun to 20 Junii instant

and ordanes ye persewar to have lrs to charge ye defenders to exhibit ye principall lrs raisit in ye said mater, act of cautioun gif ony be, with ye said gift of recognitioun qrupoun ye samyn is foundit with certificatioun and thai failyie ye lords will find decerne and declar yat **thai sal never be hard in tyme cuming to persew ye pndit actioun nor na uyr actioun or declarator of recognitioun of ye lands of haigcornehill be vertew of ye gift of recognitioun grantit to sir James [maxwell of calderwod]**bot will assoilyie ye persewar and his collegis fra all actioun of recognitioun yat may be persewit upoun ye said infetment in ony tyme heirefter conforme to ye desyre of ye said supplicatioun

CS7/189/353v (Aikinheid c Calderwod)

[from Warrants and Decrees]

My lords of counsall humblie meanis and schawis I yor servitor Capitane thomas ewing that quhair I haiffing actioun depending befor the provost and bailleis of yis burt agains george sandersoun tailyeor burges yrof for intromissioun of certane guidis and geir pertening to us and restitutioun of the same, the said george maist maliciouslie efter lang dependance and divers exceptiounis principall and eikis proponit and discussit yrintil obtenit yor Ll delyverance to heir ye said mater advocat

quhairin yor Ll finding na sufficient caus of advocatioun, remittit ye mater to ye said provost and bailleis and decernit him to pay me £10 of expenses with £5 payit to yor Ll collector

and notwithstanding he having of new maliciouslie suspendit my charges upoun ye saids expenses upoun cautioun allanerlie quhairupoun I lykways obtenit protestatioun and tryal[?]

notyeles he hes als not suspendit agane of ye saids charges alsweill for ye expenses of ye said decret as protestatioun upoun consignatioun and yit hes never summondit me nor gevin my copie yrupoun tending yrby to frustrat and delay me yrof quhairupoun yor Ll provyd remeid

thairfoir I beseik yor Ll that I may haiff command to ane maser to pas and charge the said george sandersoun quha is present within this burgh to compeir befor yor Ll upone ye morne nixt efter the charge with continewatioun of dayis bringing with him ye foirsaid suspensioun of ye saids expenses alsweill contenit in ye said decret off remissioun as protestatioun with all uyer suspensiounis purchast and obtenit be him yranent to be sene and considerit etc and to heir and sie the samen proces led yrupoun suspendit etc with certificatioun to him and he failyie, yor Ll will decerne and ordane ye saids consignit expenses alsweill contenit in ye said decret as protestatioun tryit[?] of £5 contenit in ye said decret and £6 and 40 schillingis of collector silver contenit in ye said protestatioun to be delyverit to me conforme yrto

[signed] A Reid

[outside]

Apud edr nono Julii 1600

fiat ut petitur

[signed]

Jo; prestoun
Halirudhous

CS15/79/93 (Ewing c Sandersoun)

[from Warrands and decreets]

My lords of counsall unto yor Ll[=Lords] humblie meanes and schaws I yor servitor george sandersoun tailyeor that quhair capitane thomas ewing having intentit ane actioun of spuillzie of stanes and uyr geir agains me befoir ye provost and bailleis of edinburt, I for ressonall causes obtenit the same advocatit to ye syreffe and the said bailleis dischargit in the meantyme

and now the said advocatioun being callit upone settherday last[?] he remittit the said actioun again to the saids provost and bailleis and as I am informit hes modifeit me to pay certane expenses to ye said capitane at ye leist he minds to suit modificatioun to be insert in yor Ll declatatioun

beseiking thairfoir yor Ll seing that the said actioun is maliciouslie intentit agains me that yor Ll consider my greit damage and will be sa guid as not to modifie na expenses to ye said capitane in ye said mater and to gif command to ye clerk of ye proces not to gif furth ye said decreit without onie expenses insert yrin agains me according to justice and yor Ll anser

[signed]A Reid

[outside]

Apud edr 13 Junii 1600

fiat ut petitur

[signed]

Montrois canrius IPD

Quhittinghame

CS15/79/93 (Ewing c Sandersoun)

[from Register]

...[firstlie] it is trew that ye pretendit decreit and precept ar maist wrangouslie and unjustlie usit agains ye persewars[harie watsoun burges in byrren in norroway and Jon rowane burges in burt of edinburt] onlie to draw yame to trubill be reasoun ye pndit decreit is verie partiallie and maliciouslie gevin and pronuncit agains harie watsoun, he haifing mony just causes to have stayit ye geving yrof and qlk being proponit be ye said harie in dew tyme war maist wrangouslie repellit be ye said admirallis deputis and upoun quhais iniquitie he hes proces of reductioun of ye said decreit depending befor ye lords gif he war not be ye vacance than stayit[scored out]instant

viz ye said harie allegand in ye first instance yat ye said admirall culd not be judge to him in the said caus becaus yat bayt he and ye said andro riddell[defender of suspension,original pursuer] ar strangers bayt actuallie recident in byrren be thair famileis and sua aucht to have bene judgit be ye saids lords allanerlie as onlie judges competent to yame in ye said mater

secundlie it was allegit in ye first instance yat ye said caus was nocht ane seafairing mater bot was done in ye pairtis beyond sey in norroway within ye said burt of byrren grunto ye said admirallis deput could not be judge competent and in cais in ony ways he myt have bene judge competent in ye said mater yit ye said caus was ane blok[=commercial agreement] of merchandice and betuix merchand and merchand and was expreslie comprehendit under ye act of parliament anent proscriptioun in causes of merchandice and merchandis compts gif ye samen be not persewit within thrie yeirs except ye samen was offerrit to be pruin be writt or ayt of pairtie and yat it was statut be ye lords yat in all maters above ane hundreth punds of valor yair suld na probatioun be ressavit be witnesses bot ather be writt or ayt of pairtie allanerlie

and notwithstanding ye foirsaid allegiance ye admirall deput ressavit witnesses upoun ye said lybell and sic witnesses as agains quhom he had proces depending befor ye said admirall for yair wrangous intromissioun with the self same kettillis lyt and sua myt depone to yair awin releiff lyk as in verie deid ye saids witnesses hes verie falslie deponit agains ye said harie watsoun to mak him to be ye first payer of ye saids kettillis qrwthay intromittit with thameselffis

and ye said andro riddell at na tyme producit ony writt or ayt of pairtie in ye said caus as he aucht to have done conforme to ye act of parliament and ye lords statut

thridlie harie watsoun persewar allegit befor ye admiral yat he aucht to be assoilyeit from all delyverie of ye saids thrie kettillis be reasoun yat andro riddell callit and convenit ye said harie for ye samyn kettillis befor ye burrow maisteris of byrren quha than assoilyeit ye said harie simpliciter from ye said andro riddellis persute, for preving qrof ye said harie desyrit ane competent terme to be assignit to him of thrie moneths day to report ye said absolvitor furth of ye said towne of byrren in norroway, qlk dissyre being maist just and ressonall ye said admirallis deput refusit to gif ony langer day nor 40 dayis qlk importit ane

impossibilitie to him to do as to saill to norroway and return in
yat space

sua ye said admirall wrangouslie secludit ye said harie watsoun fra
ells probatioun of his said exceptioun *peremptor* and qlk notyeles he
offers him to preve sufficientlie be ye said decreit *absolvitor* ane
competent terme being assignit to him to yat effect qrthrow ye
admirallis deput did manifest wrang and iniquitie in repelling to ye
said persewar of his saids thrie allegances

thairfoir ye said pndit decreit being maist partiallie given agains
ye said harie aut and suld be suspendit *simpliciter*

secundlie ye said pndit decreit suld be suspendit be reasoun it is
provydit be ye act of parliament that compensatioun salbe admitit of
debt with debt *de liquido in liquidum* and trew that andro riddell is
auchtand to harie watsoun qlks sowmes of money is mair than ye said
6 scoir 19 punds 13s 4d qlks is of borrowit money and merchandice as
ye proces depending at his instance agains andro riddell yrupoun
befoir ye admirall schawin to ye lords beirs

notwithstanding ye said dependence harie is content to refer ye
treuth of ye said dett *pro tanto* to andro riddellis ayt of veritie
quhidder andro be auchtand to ye said harie alsmekill of borrowit
money or nocht, in respect qrof ye pndit decreit suld be suspendit
simpliciter

thridlie ye pndit decreit suld have na executioun but suld be
suspendit *simpliciter* becaus harie watsoun persewar offers him to
preve at ye bar sufficientlie be authentik writt yat andro riddell
haifing persewit ye persewar for ye saids kettillis befoir ye
roddismen and magistratis of byrren, ye said harie was assoilyeit
simpliciter from his persuit qlk sentence standing in ye samyn[?]
force ye said andro ridell may never be hard to acclame ye saids
kettillis nor pryces yrof

qlk sentence he sall produce, ane ressonall space being assignit to
him as said is to yat effect

thairfoir ye pndit decreit and precept suld be suspendit upoun ye
persewar

bot yit for superabondance and eschewing ye danger of poynding and
uyrs yat sall follow ye said harie watsoun hes consignit of befoir
ye saids sowmes to be delyverit to andro in cais fundin be ye lords
yat he he aucht to have ye samyn

thairfoir ye decreit and proces of horning suld be suspendit
simpliciter

anent ye charge to ye defender to bring ye pndit decreit and precept
and to have hard ye proces of poynding yrin suspendit upoun ye
persewar

harie watsoun burges of byrren and Jon rowane burges of edinburt
persewars comperand be Mr thomas gray

andro riddell comperand be Mr umphra blinsele

ye lords suspends *simpliciter* ye precepts purchast be andro riddell
upoun ye foirsaid decreit agains harie watsoun and Jon rowane becaus

1743
harie watsoun and Jon rowane ye tyme of obteneing of ye lrs of
suspensioun 29 merche last consignit in adame cowperis hands ane of
ye clarkis of ye sessioun 6 scoir 19 pundis 13s 4d of principal and
20 merks expenses for obedience of ye said decreit and precept
raisit yrupoun

qlk sowme efter ye lords fund ye decreit and precept orderlie
proceidit notwithstanding ye remanent reasouns of suspensioun above
writtin ordanit adame cowper to delyver to andro riddell upoun his
sufficient discharge of ressait yrof and suspendit *simpliciter* ye
said decreit and preceptis past yrupoun as said is

lrs gif neid beis

CS7/189/252r (Riddell c Watsoun]

[from Register]

... and intends to put him to the horne maist wrangouslie considdering that the decreit is null and merits to be annullit be way of suspensioun allanerlie conforme to the act of parliament ordaning all nullaces to cum in alsweill be way of exceptioun as actioun and can reseave na executioun in sa far as the same wald appeir to be ane unlawfull and unfair practitioun, qlk nather of law nor practik of this realme can subsist, and quhairsoever the words of the obligatioun ar sett doun yit it is mair nor manifest be the said lrs obligatour that the principal sowme borrowit fra umquhile Mr willame wes the said sowme of 500 merks allanerlie and that the payment of the victual at the day mentionat yrintil, and failyeing yrof the said sowme of 5 merks of ilk boll yrof ar nathing bot intollerable penalteis far exceiding the enteres of pairtie and thairfoir naways aggreing with law reasoun conscience nor practik of this realme seing that the lords of counsall are in use to reduce *illicitas usuras* be pactioun of pairtie and *licitas usuras* be yr decreit

as wes decydit betuix henry wardlaw indwellar in edinburt and willame fides baxter quhair the lords reducit the failye of 100 merks in caice the uyer sowme of ane hundreth merks had not bene payit at ane day to the sowme of ten merks for the hundreth allanerlie ...

CS7/186/382v (Fforbes c Johnstoun)

[from Register]

anent or soverane lords lrs raisit at the instance of Jon anstruther, william gardiner, Jon alexander, archibald thomsoun, bailyeis , and ye counsall and communitie of anstruther be eist ye burne

makand mentioun qr ye bailyeis counsall and communitie of the said burt of anstruther be west ye burne alleging that be divers acts of parliament and constitutiouns maid be or soverane lord the haill privielegis and liberteis of burrowis of all burts regall wtin yis realm grantit anent yair erectiouns and to ye burgesses and friendis yrof ar ratefeit and approvin and speciallie in ye parliamnet halden be or soverane lordis darrest mother in Junii 1555, it is speciallie statut that lrs be direct be ye lords of counsall at the instance of all burrows upoun yair privieleges and immunitis for putting of the same to dew executioun agains ye contraveneris of yair saids privieleges and actis

and that the said burt of anstruther be west ye burne hes bene of auld erectit in ane frie burt regall with all ye privieleges pertening to ane frie burt and with libertie and power to have and hauld within the said burt and libertie yrof *twa mercat days ouklie* ane upoun mononday and ane upoun setterday with tua frie fairis yeirlie and that notwithstanding of quhatsumever uther privieleges grantit to onie uther burrowis

and that the persewars have institut yr mercats to be hauldin within the said burt of anstruther be eist ye burne upoun setterday and trubills and molestis thame in haulding of yr saids tua mercat days upoun mononday and setterday ouklie, hes yrupoun menit thame to the saids lords of counsall and obtenit generall lrs be yair deliverance chargeing all and sundrie quhome it efferis and speciallie the saids bailleis counsall and communitie of the burt of anstruther be eist ye burne to decist and ceis fra all stoping trubling or making impediment to yame to use and exerce yair libertie privieleges and fredomes grantit to thame and at ye halding of yair mercats twyse in ye ouk viz mononday and setterday and of the saids tua frie fairis yeirlie within the said burt and fredome yrof in tyme cuming and fra all halding of ony mercats within yair said burt upoun setterday bot to suffer thame to use yair libertie but stop or impediment within 10 dayis nixt efter the charge under pane of rebelloun and failyeing, to put the said persewars to the horne, and of verie malice as thai ar informit intends to caus put thame yrto maist wrangouslie

it is of veritie that the bailleis can na ways clame ye privieleges of the foirsaid act of parliament to be concevit in yair favor in sua far yat ye samyn was made lang befoir ye erectioun of the burt of anstruther wester in ane frie burt regall and swa thay can na wayis crave ye benefit yrof or the foirsaid lrs to be direct at yair instance for chargeing of the persewars to ceis in maner foirsaid

forder the act of parliament is onlie grantit in favor of borrowis at yat tyme agains sic persoun or persounis as wald oppress yame be way of deid or violence bot sua it is yat it is never qualifeit that the persewars have ever heirtofoir attemptit to oppress or do ony violence agains the bailleis counsall and communitie and inhabitants of the burt of anstruther wester

and in sua far as ye said pndit lrs ar direct and execut agains the saids persewars be vertew of the said act of parliament the samyn ar wrangouslie direct agains thame be ressoun yat nather is yair mentioun of lrs of horning upoun ane simple charge of 10 days contenit in the said act, seing the samyn is generall, nor yitt is yair ony space limitat yrintill within ye qlk ye samyn may be directit and execut sua that the samyn being altogidder general and yat yair may sundrie lrs be direct yrupoun sic as lrs of publicatioun inhibitioun and uyris of ye lyk nature, the said pndit lrs ar wrangouslie direct but calling of the persewars to have hard and sene the samyn grantit in maner foirsaid

and albeit it myt be thocht that yair aut to be siclyk lrs of horning direct conforme to ye act of parliament yitt yr is na warrand nor grund to execut ye samyn upoun ane simple charge of 10 dayis allanerlie bot aut to have bene direct in commoun forme viz in all ye four formes and the saids persouns persewars warnit and all uyris havand entres yrto as thai aucht to have bene befoir ye granting yrof, speciallie in respect it is statut and ordanit be act of parliament in Junii 1592 that na charges nor lrs of horning salbe generallie directit agains all and sundrie at ye leist it sal not be leasum to denunce ony particular pairtie to ye horne upoun generall lrs except gif the said pairtie be first laulie and speciallie callit to heir and sie the said lrs grantit agains him for ane special caus dewtie or fact bot na ways to serve or to be sufficient to denunce ony man to ye horne not being speciallie callit and his fact or dewtie expressit yrintil

and sua ye said bailleis counsall and communitie of the burt of anstruther eister being ane multitude and the said pndit lrs direct generallie, the samyn ar maist wrangouslie direct and **suld be simpliciter suspendit** upoun the persewars in respect yat not onlie ye said burt is erectit in ane frie burt lang befoir the erectioun of ye said burt of anstruther be west ye burne in ane frie burt regall, bot also hes grantit to the persewars special libertie and power be yair infestment of the said erectioun to have and hauld within yair said burt of anstruther eister and libertie yrof, tua mercat dayis ouklie viz ye ane half yrof upoun twysday and ye uther upoun setterday with tua frie fairs yeirlie, ye ane ye 1st november and ye uther upoun ye thrid day of may and bruik the samyn but stop etc as ye infestment to ye persewars under ye gritt seill yrupoun schawin to the lords of counsall beirs

be vertew qrof yai and yair predecessors have bene in peciable possessioun of keiping of the tua ouklie mercats viz twysday and setterday but speciallie upoun setterday ilk ouk and all ye liedges nixt ewest and adiacent to ye said burt of anstruther eister in use to resort to yair saids mercatis for making of merchandice and using of yr uther laul effaris in all tymes bygan, qrfoir the said pndit lrs direct at ye instance of ye bailleis counsall and communitie of anstruther be west ye burne ar maist wrangouslie execut agains the persewars, thai being na wayis warnit to ye granting as said is, and gif yai had bene callit yrto as yai wer not thai myt have allegit lyk as yai pntlie allegis that ye burt of anstruther eister, being ane frie burt regall erectit with all libertie and privieleges pertening yrto, can na wayis be hurt nor dirogat[=deprived of a privilege]within ye bounds yrof be ony erectioun or privielege grantit to ye saids bailleis counsall and inhabitants of ye burt of anstruther wester

1763

in respect yat be yair infeftments and erectioun thai ar bundin in
ane yeirlie dewtie to or soverane lord to be payit in his hienes
cheker yeirlie for ye samyn, of qlk yeirlie dewtie ye saids
persewars have not bene onlie in continuell use of payment as ye
rolls of exchequer beirs in all tymes bypast sen ye dait of yair
infestment, qlk is dewlie ratifeit and confermit in parliament bot
also subiect to his hienes particular stents[=taxes]executions and
uther service quhenver ye samyn occurrit as uther frie burrowis
within ye realm, and sua or soverane having disponit the libertie
and privielege of the saids tua mercat dayis to ye persewars and
successors for payment of certane yeirlie dewtie and service

thairfoir it is and may be leasum to ye persewars and yair succesors
and als to ye bailleis counsall and inhabitants of anstruther wester
and yair successors to hauld the saids mercat dayis ouklie bot ony
hurt

thairfoir ye said lrs effect and proces of horning aut to be
suspendit simpliciter upoun ye persewars

...

CS7/189/96v (Anstruther c Anstruther)

SEEKING SUSPENSION OF LETTERS OF HORNING FOR NOT FINDING LAWBURROWS

[from Register]

makand mentioun that patrik panter [of newmainiswallis]having committit wrang agais the persewaris they wer constraint for eschewing of furder trubill befoir or soverane lord and lordis of his hienes secret counsall lyk as he on the uyer pairt reconvenit ye saids persewaris befoir his matiie. coniunctlie assoilyeit fra his complaint fra quhilk ye said patrik hes constant malice in his hart agais thame and troubills thame

lyk as hes laullie causit charge thame be vertew of lawburrows raisit be him in apryle 1598 to find sufficient cautioun actit in ye buikis of counsall and sessioun that he salbe harmeles and skathles of ye persewaris under the paines following

viz of ye said robert lichtoun provost under ye pane of 1600 merks and of ilk ane of ye saids baillies under pane of 1000 merks and of ilk ane of ye remaneing persounes under pane of 500 merks and to find the said souertie and lawburrows wtin 6 dayis under pane of rebelloun and putting to the horne maist wrangeouslie considering ye uyer lrs raisit be patrik panter wer without ony iust essence given be ye saids persewaris or ony of thame to him as the lords of counsall may persave in sa far as ye saids lrs war raisit of sic lang tyme bygane and nevir execut agais thame quhile now that cognitioun is tane in ye contraversie amangis thame and that he is fundin in the wrang and he will not mak faith that he devises onie harme of the saids persewaris

lyk as thay ar not sic persounes as to committ ony oppressioun thay being burgesses and peciabil subiectis obedient to ye lawis and to utter his malice ye forther agais thame he causes charge thame at several tymes to find ye said sourtie and lawburrows sum of thame upoun ane day and sum of thame upoun the uther day nixtcuming throw ye malicious proceeding to caus ye saids persewaris cum at severall tymes to the burt of edinburgh quhair the saids lords of counsall sittis to find the said sourtie and lawburrows and yrby to put thame to grit and exorbitant charges and expensses grunto his matie suld haif respectioun and consideratioun and that the paines foirsaidis qrby thay ar chargit to find far excedis yr habilitas and conditiounis ... and the paines qlk ar prescryvit be act of parliament in that respect ar evil grantit ... and the lords suld modify ye samyn conforme to yair estaitis

and yit for eschewing of forder inquietance of thame and that the lords may persave thair willing of obedience thay haif instantlie fund cautioun that ye said patrik panter salbe harmles and skathles of thame under sic paines as ye saids lords sal think expedient ...

the lords suspends simpliciter ye said lrs of horning purchast at ye instance of patrik panter agais the said persewaris becaus william barclay pnt thesaurer and burges of montrois being personallie present becum cautiouner and souertie that patrik panter salbe harmles and skathles of ye persewaris in his bodie landis possessiounis and nawayis be molestit nor trublit be thame uyerwayis nor be ordor of law and iustice under pane of 1000 merks presentlie modifeit be ye lords and that ye persewaris sall nawayis incaire ye foirsaid pane of 1000 merks for ony particular deid or factor to be committit be ye commoun caus of ye said burt agais ye said patrik panter except ye samyn be committit in the commoun caus of ye said burgh

CS7/187/261r(Toun of Montrois c Panter)

[from Register]

...to have hard and sein the said letters of horning suspendit for the following ressounis
to wit becaus the complener can naways be astrictit in payment of the foirsaid sowme to edward Johnstoun[defender]be reassoun the said 1200 merkis addettit be ye complener[Robert Logan of Restalrig]to Patrik Mr of Gray wes purchast be edward Johnstoun at ye erneist requeist and desyr of the Mr of gray and that the complener wes onlie astrictit in payment yrof to ane of the saids persounis allanerlie conforme to the foirsaid band and sua the ane pairtie being satisfet of the said sowme, the complener can not be oblist in payment to the uyr pairtie, the said sowme addettit be ye complener being ane sowme and obligatioun and for ane cautioner

and sua edward Johnstoun can pretend na richt to the said sowme in respect the complener hes alredie maid payment to Mr william leslie of currlie[?] as donator to the gift of the said Mr of gray his escheit as haifand ryt yrto be vertew of the gift of escheit and declaratour past yrupoun

thairfoir the saids lrs purchast be edward johnstoun agains the complener aut to be suspendit simpliciter

eikit to the ressoun abovewrittin that edward Johnstoun can nevir be hard to charge the complener upoun the said band producit maid be him to the Mr of gray and edward Johnstoun becaus the samen is inovat and dischargit be ane posterior band maid sensyne qrby all former bands and contractis maid betuix him and the said maister of gray and his cautioners ar dischargit
and for verifying herof producit ye samen discharge of 20 december 1589

anserit...obligatioun is registrat agains the laird of restalrig 22 Februar 1598...

CS7/185/298v(L Restalrig c Jonstoun)

SEEKING SUSPENSION OF LETTERS OF HORNING BECAUSE DECREE TO APPREHEND
FULFILLED

[from Warrants and Decrees]

... trew that 23 februar instant James smyt hes past to william forbes of monymusk being williamis residens and dwelling and socht william forbes to haif summondit him personallie,

he culd not apprehend him personallie efter he had knokkit thrie several times at ye yett of his said dwelling place, 3 knokis, than in name and behalf of ye said complener[Jon Erskin of Balhagartie]and as procurator for him offerit yair reallie and with effect ye keyis of his toun and fortalleis of pettoddrie for obedience of the charge of or said uyr lrs, and intimat yair yat ye said toun and fortalleis was void and reid of ye said complener

and requyrit and desyrit ye said william to pas fut for fut with him to ye said tour and fortalleis of pettoddrie and he as procurator forsaid suld enter him reallie actuallie and with effect yrin and yat for obedience of ye charge of or said uyr lrs and decreit of the said lords in all poynts

and ye said requisitiouns and intimatiouns was maid in presens of margrat forbes dochter to ye said william and uyris his servands induelleris becaus ye said william comperit not himself nor na uyris for him in his name to accept ye said offer and requisitiouns,

the said James smyt as procurator foirsaid protestit yat ye said complener and his saids cautioners suld be frie of ye charge of or said uyr lrs and ye saids lords decreit foirsaid in all tyme cuming and yat in effect of his offer and obediens as said is as ane authentik instrument takin yrupoun schawin to ye said lords beirs
...

CS15/77/57[Erskin c Forbes]

[from Register]

...makand mentioun qr Johne loutfute in cassiltoun and david wedderstoun in foullis being denuncit rebels and put to the horn be lrs raisit be ye complener upoun ane decreit gevin at hir instance agains yame for not paying £20 for the price of ane gowne tane out of ane kist of hirs qlk was put in keeping of the said Johne loutfute and the sowme of £100 for graith wtin the samen kist as for principall togedder wt 40s expensses of pley in the said decreit the saids persounes wer lyand at proces of horn wtout ony regard ... persewar menit hir to the lords of counsall and obtenit lrs of captioun qrby william edmond ane of ye bailleis of stirling was chargit 23 merche 1600 be James ramsay messinger ane of the syreffs in yat pairt, to have socht and apprehendit Jon loutfute rebel and put him in captivity and to keip and detain him yrintill upoun his awin expensses and not to depairt until he had made payment ... the said william edmond immediatelie efter the said charge socht and apprehendit Johne loutfute and committit him wtin the tolbuith of stirling notwithstanding the proveist and bailleis, at ye leist william edmond has put Johne loutfute rebel to friedome ... having nawayis fulfillit the command of the lrs of horning to the complinaris hurt and preiudice thairfoir the proveist and bailleis, and william edmond at ye leist sould mak the persewar payment

[decree]

the lords ordanes william edmond to mak payment becaus summond and compeirit not

CS&/190/102v(Grahame c Murray)

[from Register]

...under pane of rebellion and putting of him to the horn maist wrangeouslie

becaus ye uyr lrs ar alluterlie general lyk as the nobill lord is bot laittlie chargit yrwith to pay the thrid of the personage and vicarage in general naways condisconding in particular upoun the sowme or yeir qrfoir he is chargit, as may be considerit be the inspectioun of the copie of ye said general lrs and officiariis charge and executoiun upoun the bak yrof subscrivit wt his hand, schawin to the lords qrthrow it is uncertane to the said persone grof to mak payment or of quhat yeir in cais he wer addetit to the said collector as he is not for ye ressounes following

becaus ye benefice belongis not to or soverane lord nather is it at his hienes presentatioun nor yit vaikes ye samen be ressone grof the collector can naways justlie crave nor charge the nobil lord ayer for ye tua pairt or thrid of the crope foirsaid, bot be ye contrair trew that ye said benefice is ane lawick[=lay]patronage and is as the samyn had bene of auld at the presentatioun and donatioun of the erles of rothes and thair hous lyk as the erle now of rothes according to his richt and privilege laws and pratick of the realme of lang tyme bygane laulie provydit Mr williams thomsoun minister at the said kirk thir divers yeirs bypast in and to the said personage and vicarage quha having guid ryt set the samyn in tak and assedatioun to the nobil lord for payment of ane hundreth mrkis yeirlie being naways in diminutioun of the rental yrof conforme to the qlk tak the said nobil lord *bona fide* lang befoir the geving of the foirsaid charge to him be ye said collector made thankful payment to the said minister of ye foirsaid yeirlie dewtie contenit in his tak 1589 and reportit his acquittance yrupoun of all yeirs preceeding sen his presentatioun, schawin to the lords, to quhome the nobil lord hes bene in use of payment sundrie yeirs, sua that the said collector can not now justlie charge the nobil lord to pay to him the tua pairt or thrid pairt of the said personage of ony of the yeirs sen the said ministeris presentatioun to the said benefice

and it is of veritie that the nobil lord being chargit be ye said commoun and general lrs to haif made payment to the collector general and James purdie his deput of the fruits and rents of the personage of 1587 the nobil lord obtenit suspensioun yrof lyk as the samyn being callit befoir the lords auditors of ye chekkar they be yr decreit 14 august 1588 *in foro contradictorio* ye nobil lord pllie present and the collector comperand be his procurators suspendit simpliciter the saids lrs upoun the said nobil lord, as the decreit schawin to the lords beirs, be ye qlk it is alreddie tryit that the collector general can naways justlie charge ye nobil lord and thairfoir the proces of horning contenit aucht to be simpliciter suspendit upoun him

CS7/186/158r (Erle of Rothes c Collector)

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ARGUMENTS FOR SUSPENSION OF LETTERS OF HORNING RAISED BY COLLECTOR
GENERAL

[from Register]

... to heir the lrs of horning suspendit simpliciter becaus the complener[Robert Sutherland burgess of Elgin] is nayer tennent taxman nor possessor of the saids lands of masindew nor had na intromissioun with the crope the yeir foirsaid and sua cannot be oblist in payment of the fermes yrof nayer yit is it of veritie that the complener intromettit with nor uptuke ony pairt of the saids fermes fra James ogilvie tenent yrof and gevand that the complener had ony intromissioun with the fermes of the saidis landis (as he had nane)yit he is wrangouslie chargit to mak payment yrof to the thesaurer of the new augmentatiounis or to the said george cumming his factour in respect trew it is as is notour to the lords of counsall that be speciall provisioun and exceptioun contenit in the act of annexatioun of kirklands to the croun, the haill lands of masindew wtin this realme ar speciallie exceptit and naways annexit, and seing the samen ar speciallie exceptit furt of annexatioun the complener is wrangouslie chargit and burdenit for payment of ony pairt of the fermes and dewteis yrof thairfoir the saids letters are wrangouslie usit and suld be suspendit simpliciter

ANSWERS TO THE ABOVE REASON

the collector general and his factour comperand be Mr Jon nicolsone quha allegit contrair the first point of the ressoun abovewrittin that the saids letters aut to be fundin orderlie procedit becaus he offers him to prove affirmative in contrair of the samen resson that robert sutherland, complener, intromettit with and uptuke the foirsaidis fermes and dewteis of the saids lands of masindew 1599 and secundlie... offers to prove that the saids fermes and dewteis hes bene chargit and dischargit in the comptis of the collectorie divers yeirs preceeding 1599

CS7/185/265r(Sutherland c Collectour)

WRITTEN ANSWERS TO REASONS FOR SUSPENSION OF LETTERS OF HORNING

[from Register]

... alexander keith and his spous comperand be Mrs alexander king and robert lintoun quha for anser to ye ressoun above of the saids lrs gaif in in write in presence of the saids lords the ticket efterfollowing of ye evident and writts qrfor they charge the said complener

And concerning the damage and interest sustenit be thame throw want of the said evidents of the qlk ticket the tenor foll

In ye first it will pleis yor lordschips that william knowis of logyruif disponit to alexander keith the lands of eschintullie pertening to the said william be dispositioun of alexander knowis his father

and siclyk he hes disponit to him the lands of logyruif pertening to him and Janet tullidaff his spous quha was heretrice yrof and dochter of andro tullidaff heritour of the samen and ye said william meining to defraude the said alexander keith hes abstractit the said alexander knowis his fatheris seasine of the said lands of eschintullie and ye said andro tullidaffis seasine of the lands of logyruif and will not deliver the samen to the said alexander keith for his securitie albeit the said alexander hes obtenit ane decreit befor the saids lords for deliverie yrof ...

and now mening manifest defraude as yit will not deliver the said evident bot he compeirand lyk as he haifing intentit actioun of reduction of the said decreit offers onlie *damnum et interesse* qlk he aut not be permittit to do seeing thay ar his awin evidents and he condescends na ressonable caus of the tinsall yrof

always as for the damage and interest of ye want of ye said evidents the samen is the verie tinsall of the heritable richt of ye saids lands for the said alexander keith can have na richt to the saids lands gif he want ye seasingis yrof and thairfoir he condescendis his interest to be the damage of the lands and the avall of the lands to be worth tuentie thowsand merkis lyk as the saids lands is worth to be and sell xxM merkis, the saids lands being worth in yeirlie rent ten chalderis of victual

[thairfoir the lords of counsall assigns to the said alexander keith last november for preving the points of the said ticket anent ye liquidatioun of ye damage and interest specifit yrintil]

CS7/185/315v(Keith c Knowis)

[from Register]

anent the summons raisit at the instance of walter colquhoun now of kilmerdony agains margret and anna colquhounis dochteris and airs of lyne to umgle Ser umphray colquhoun of luss knyt, alexander colquhoun now of luss broyer and air of tailyie to umgle Ser umphray and ye tutors and curators gif ony for yr interes to heir thame decernit be decreit of the lords to warrand acqueit and defend to the said persewar his airs and assignays all and hail the lands of auchingrayth larg achinvennellmoir stinkdaw and blairhangard wt pertinents wtin the erledome of lennox and syrefdome of dummbartane to be frie and saiff at all hands of lodovik duk of lennox and fra the decreits of redemptioun and removing obtenit be him yranent

CS7/185/171r (Colquhoun c L Luss)

[from Register]

... Jon kennedy younger of blairquhan, hew kennedy of garvennis, Jon young in shalloche and robert mckeir in corsbie as cautioners for Jon kennedy, be yair obligatioun at wigtoun 6 november 1598 registrat in ye syref court buiks of ye syrefdome of wigtoun beirand that forsamekil as Jon kennedy dessyre ye said persewar alexander conynghame of powtoun becum cautioner and sourtie for him to pay to alexander mcghie of balmaghie ye sowme of £1100 for his ryt of ye office of executrie of umquhile willame stewart of fintillache to be payit in ye tolbuith of wigtoun upoun witsunday even nixt as als for payment to ye said alexander of 500 merks for ye ryt of ye actioun of spuillzie persewit agains Jon and patrik peblis at ye instance of umquhile william stewart to be payit at ye nixt term immediatellie efter ye recoverie of his actioun or transactioun in yat mater as ye contract proports

thairfoir Jon kennedy of blairquhan as principal and his saids cautioners band thame coniunctlie and severallie, airs and executors and assignays to warrand releve and keep ye persewar and his airs etc harmles and skatles of ye sowmes of money contenit in ye said contract at ye hands of alexander mcghie of balmaghie his airs etc and of all coistis skathes of damage interes and expenses that ye persewar or his foirsaidis sustenit or incurrit yrthrow as ye obligatioun and decreit interponit yrto proports

albeit ye terms appointit for payment bygane and yit Jon kennedy hes naways maid payment to alexander mcghie sua that alexander having chargit ye persewar as cautioner for payment to him, ye persewar for obedience of ye saids charges was compellit to mak payment to alexander mcghie and obtenit alexanderis aquittance yrupoun

nontheles Jon kennedy and his cautioners refuses to releve and keep ye persewar skatles yrof and to yat effect to mak payment to him of ye samyn

and becaus ye said syref and his deputs may not direct sufficient lrs and exells agains ye said jon kennedy and his cautioners for compelling of yame to mak payment to ye persewar thairfoir necessar it is to ye said persewar to have ye lords of counsall decreit conforme and uyr lrs direct in maner eftermentionat

... the lords ordanes lrs in all ye 4 formes to be direct at ye persewaris instance, ilk executioun to be efter utheris within 48 hors and ye warding place to be in ye castel of blaknes in cais of disobedience charging Jon kennedy younger of blairquhan and his cautioners coniunctlie and severallie to warrand releve and keep skaytles ye persewar hir airs executors and assignays of all coists skayts and expenses sustenit be him yrthrow

and to yat effect to mak payment to ye persewar of ye samyn becaus ye defenders wer summomdit with certificatioun etc ... and nane comperit to schaw ressonall caus in ye contrair

CS7/189/326r (Conynghame c Blairquhan)

anent the summons raisit at the instance of Johne huntar in the newmylne of cluthymoir agains gilbert adamesoun son and apparend air to umquhile henry adamesoun burges of perthe, at ye leist laullie chargit to enter, helene orme his moder and James adamesoun burges of perthe ...

to heir him decernit be decreit of the Lordis to warrand acquet and defend to the persewar his airs and assignayis all and haill the mylne of cluthymoir lands and pertinents during the tyme of the non-redemptioun, set and rentallit to the persewar his airs and assignayis be umquhile henry adamesoun in maner and at the tymes lit., frie quhyte and saif at all handis speciallie at the handis of helene orme pretendit liferentrix and of the said helenis liferent or uyr titil and actioun of removing and warning persewit be hir agains the said persewar and fra all consequence yrof and fra all uyr perrellis, to be bruikit be the persewar as kyndlie rentaller yrof during the tyme of the non-redemptioun yrof conforme to his rentall and band of warrandice maid yrupoun or ells als meikle als guid land mylne mylnlandis and pertinentis als weill lyand and haldand and of als greit availl and profeit be yeir and als commodious in all respects as is the said mylne mylnelands houses biggings and pertinents ...

CS7/190/225r (Huntar v Adamesoun).

[from Register]

...[action]agains alexander ruthven and sundrie uyris his tutors and curators for yr entres for warrandice to the persewar of the tak rentall and obligation of warrandice yrin contenit maid to him be umquhile hendrie adamsoun or ells alsmekil als guid land myln and mylnland with pertinents alsweill lyand and haldin of als greit profite be yeir and as commodious in all respects as the said new miln and miln lands with pertinents for divers causes as the summonds depending yrupoun proports ...

CS7/186/394r (Hunter c Orme)

[from Register]

anent summonds rasit at the instance of James fleschour burges of cowpar and david fleschour wryter to or soverane lords signet his sone agains alexander Jamesoun[?davidoun] burges of cowpar, william crystisoun younger, James andersoun clerk and alexander luklaw noter burges of the said burt, judges arbitrators underwritin and Johne pattersonsone younger of baldicarne in quhais favor the decreit efterspecifeit wes gevin, tuiching the production of the pndit submission and blank subscryvit be the said James fleschour for himself and takand the burding upoun him for the said david his sone on the ane pairt and the said Jon pattersonsone on ye uyr pairt togedder with the pndit decreit gevin be the said alexander davidoun[?Jamesoun], william crystisoun, James andersoun and alexander luklaw juges and fillit be thame in ye said blank of qtsumever dait or daittes the samen be of to be sein be ye lords and to have hard the pndit submission and decreit given yrupoun retreitit, rescindit etc

CS7/185/123v(Fleschour c Patersonsone)

PROTESTATION AGAINST PRODUCTION OF DECREET ARBITRALL WITH DECREET OF 189
REGISTRATION OF THE LORDS INTERPONIT YRTO WITH LETTERS OF HORNING
RAISED UPON THE THE SAID DECREET FOR SUSPENSION

[from Register]

in pns of the lords comperit Mr richard spens for daniell cunninghame of daukeyth and agnes hammiltoun relict of umgle william cunninghame of capringtoun and producit ye copie of or soverane lords lrs of saxt december 1598 qr they wer summond at the instance of ester fowllertoun relict of umgle adame cunninghame of bromhill and allane cathcart now hir spous for his entres

tuiching the productioun befoir the lords of ye decreet arbitrall gevin and pronuncit be certane iudgis arbitratores made yrintil betuixt daniell cunninghame for himself and taking ye burding upone him for agnes hammiltoun his moyer on ye ane pairt and umgle adame cunninghame of bromhill on ye uyr pairt

togedder with the decreit of registratioun of the lords interponit yrto with ye lrs of horning raisit be daniell cunninghame and agnes hammiltoun his moyer upone ye foirsaid decreit be vertew grof they causit charge the said ester fowllertoun, the said allane cathcart now hir spous and william cunninghame of bromhill to mak payment and deliverance to thame of the fermes mails and dewteis of bromhill and ffaill addetit be ye tenentis and occupieris as mentionat in ye decreit arbitrall

also to fulfil the samen decreit arbitrall to thame in uyr articles and conditionis

to have sein and to have hard the decreit arbitrall and lrs of horning raisit yrupone suspendit simpliciter in tyme cuming as contenit in ye copie of the lrs and mane lr of walkening producit befoir the lords be daniell cunninghame and his moyer 26 februar last beiring ester fowllertoun and hir spous to have bein laullie summond to have comperit at ane certane day bringand the principal lrs of suspensioun and to have hard and sein the samen walknit, ressonit and discussit with certificatioun yat ye saids lords would admit protestatioun upone ye copie of ye samen suspensioun

and Mr richard spens schew that the day of comperance contenit in ye copie of ye lrs of suspensioun also ye day of comperance in ye lrs of walkening wes bypast and nane coperit to produce ye principal lrs of suspensioun and to persew the samen, Mr richard spens being reddie to anser thairfoir protestit that daniell cunninghame and his moyer suld not be hard to anser unto ye tyme they wer new summondit and thair expensses refoundit and that the lrs of horning purchast be thame myt have effect and be put to forder exxecutioun in all points of the decreit arbitrall and for the pryces of ye victual and fermes of bromhill and ffaill conforme to ye feiris eftermentionat...

CS7/185/159v(Cunninghame c Cunninghame)

anent or soverane lords lrs purchast at ye instance of sir John wauss of longcastell knyt agains george murray of brochtoun and alexander mackie of balseir

makand mentioun that quhair yr being contraversie standand betwix ye persewar and thomas mcculloch of barholme for the profets of the said thomas mareage pertening to ye persewar as son and air to umquhile sir patrik wauss of barholme knyt quha wes cessioner and assignay constitut thairto be george gordoun in culquha principall donator to ye said mareage

and alexander mckie of balseir being desirous to have the profets of mareage of thomas mcculloche of barholme in respect he was to marie - mckie dochter to alexander it wes aggreit betwix ye persewar and alexander that ther sould be ane assignatioun made and subscryvit be ye persewar of ye foirsaid mareage and deliverit to george murray of brochtoun with ane blank for inserting yrin of sic soumes of money as he suld ordane to be payit to ye persewar for ye profets of ye said mareage efter yat ye blank micht be fillit as according yrto the persewar in ye month of - 1599 deliverit to george murray of brochtoun the said assignatioun contenand ane blank for the soume to have been fillit up

and trew that ye blank wes not fillit up be george maister of brochtoun but as ye persewar is informit he agains his (d...?) deliverit the said assignatioun being blank to alexander mckie of balseir and thay have it in thair handis or have fraudfullie put it away and the same aut to be deliverit to ye persewar to ye effect that the same may be cancellat and dischargit quhilk they refusis to do without comp[?compromit]

anent ye charge to george mr of brochtoun and alexander mckie of ballseir havars of the assignatioun to have deliverit to have been cancellat or els to have comperit befor the lordis bringing ye assignatioun blank to have been seen

persewar comperand be Mr Alexander king

george murray of balseir comperand John halliday quha desirit and day to be assignit

ye Lordis assignis 15 Julii to george murray to produce ye assignatioun gif he hes ye samen

alexander mckie summondit but not comperit

ye Lordis ordanis lrs to be direct chargeing him to deliver to ye persewar ye said assignatioun blank to be cancellit and gif he faillyeis the Lordis wald decerne in manner foirsaid and he faillyeit in productioun yrof

CS7/190/96r (L. Barnebarroche c Murray of Brochtoun)

[from Register]

...tuiching the bringing befoir the lords of the submissioun made betuix David Tyrie sumtyme in Nevay[?]and now indwellar in Dundie on the ane pairt and John curroure son laull to david curroure on the uyr pairt in the presens of Jone lamby of dunkeny and Johnne scrymgeor of kirkcubbin as iudges arbitrators and amicable compositors allet chosin for the pairt of the said david tyrie anent the assythement to have bein made and done be the said John to the said david for hurting and wandring of him and generallie anent all uyr actiounis and contraversies that ather of thame may lay to uys charges and thairfoir decernit him to acknowledge the said wrang and to ask the said davidis forgeifnes lyk as the said iudges decernit the said david curroure of his awin consent to remove to the north pairts of this realme and to remane in ony pairt beyond the water of die during the pleasur of James erle of buchane onyway[?]and to pas yrto wtin 15 days efter the decreit and naways to return and cum beyond the said water of die wtout consent of the said personnes and gif the said John contravene ony point of the saids premisses he as principall and the saids persewars[david curroure of logiemekill and stevin curroure fear yrof]as cautioners for him band thame coniunctlie to pay david for ilk tyme of contraventioun £500 as said submissioun and decreit arbitral registrat in the commisser buiks of sanct Androis beirs

CS7/190/142r(Tyrie c Curroure)

in presence of the Lordis comperit Mr umphra blinsheill procurator for alexander colquhoun of luss and producit the copie of or soverane lordis lrs 1 Januar 1596 quhairby he wes summondit at the instance of robert galbrayt of cultreuch tuiching the production befor the Lordis of lrs of horning and the decreit arbitral quhairupoun the samen procedit be vertew quhair of alexander colquhoun causit charge robert galbrayt as cautioner for andro mcfarlane of arroquhar to keep ane dcreit arbitrall gevin and pronuncit betuix andro mcfarlane for himself and takand the burdein upoun him for his freindis servands and partakeris on the ane pairt and umquhile ser umphray colquhoun of luss for himself his kin annd freindis on ye uyr pairt and speciallie to obtene to the said alexander colquhoun ane lr of slains for ye slauchter of umquhile donald mcneill mcfarlane and to do and observe uyris specifeit in ye decreit arbitrall to have bein considerit be ye Lordis and sein the samen lrs simpliciter suspendit in tyme cuming ye day of comperance lang past nane comperit to persew the same Mr umphra blinsheill procurator being reddie to anser yrto thairfoir protestit that alexander colquhoun of luss be not haldin to anser unto ye tyme he wer of new summondit and his expences refundit the Lordis admit ye protestatioun and ordanis lrs to be direct for vi lib expences and 40s to the Lordis collector

CS&/185/90r (L Luss c Cultreuch)

[from Register]

...alexander kincaid pllie pnt
Mr archibald monypennie younger of pilrig comperand be Mr thomas
craig
Mr James watsoun pllie pnt

and the said summons being callit in presence of the lords and
ather of the said pairteis defensses, ansers, richts, ressons, and
allegances being proponit and hard at lenth upoun 1st januar 1600,
ather of the saids pairteis comperand as said is, referrit and
submittit this said actioun anent the releif of alexander kincaid
the laird of pilrig[one of the pursuers] of the payment of the
dewtie of the saids lands and half maynis of gogar and mylnlands of
1596 and 1597 and also of 1598 and 1599 and in tyme cuming to the
amicable decisioun and discriminatioun of edward commendator of
kinlos, Mr John skene clerk of register and andro weymis of
myrecairnie juges arbitrators and amicable compositous chosin be
baith pairteis for decisioun in the said mater to quhais
determinatioun ather of the saids pairteis, and the said alexander
kincaid[the other pursuer] pllie pnt and takand the burdein upoun
him for the said Mr archibald monypennie of pilrig band and oblist
thame to stand, underly and fulfil in all points
and the saids thrie juges haifing oft and divers tymes convenit and
ather of the saids pairteis clames, defensses etc being at lenth
hard and considerit be thame togedder with the depositions of
famous witnesses ressavit sworne and examinat

and they being ryplie advysit the said juges all in ane voce efter
mature deliberatioun befor thair eyes, decernit and ordanit Mr
James watsoun[defender in the action] to warrand, releve and keip
skaithles alexander kincaid and Mr ard monypennie of ane of the
chalders of victual payit be thame to the said laird of prestoun,
assignay foirsaid, crop 1597

and decernit the said Mr James to pay the same to alexander kincaid
and Mr alexander monypennie, the same victual or ellis 5 puns for
ilk boll

and siclyk the saids juges assoilys Mr James watsoun fra all
releiff of ane uyr chalder of victual payit be alexander and Mr ard
for fermes of the saids lands 1597

bot as ather of the saids pairteis hes payit ane chalder of victual
of the said 2 chalders 1597, and that Mr James hes payit himself ane
uyr chalder victual to the said laird of prestoun of the crop 1597,
the same to stand as weill payit

and declaris that nane of thame sall haif actioun to charge uyris
for ye same or for yr releiff yrof

and as to crops 1598 and 1599, the said juges declars Mr James
watsoun to warrand releive and keip skaithles the said alexander
kincaid and Mr ard monypennie of the payment of 2 chalders qlk they
ar oblist to pay to george hammiltoun of prestoun of 1598 and 1599
crops for the saids lands

and siclyk the saids juges according to the offir maid be Mr James
watsoun set down in ye proces decerning and ordaning him to flit fra
the half of the said half maynis of gogar with the haill mylnlands

of gogar mylne except 2 aikers yrof occupeit br crisstell kirkpatrik and suffer and permit the said alexander kincaid enter yrto occupie [the saids lands] during the yeirs of the tak and assedatioun set yrof to umquhile george winrahame and his spous and ordanes Mr James watsoun to renunce all richt, titil, entres and possessioun he hes in favor of alexander kincaid and decernes and ordanes the said Mr James to mak and constitut the said alexander kincaid his laul cessionar and assignay maid to the gift of the said agnes kincaidis escheit qrby the richt of the tak of the foirsaid lands becum in the persoun of Mr James sa far yrof allanerlie as concerns the said half of the half maynis of gogar and myln lands of gogar mylne as is occupeit pntlie be the said Mr James

also ordanes alexander kincaid to find sufficient cautioun that the saids Mrs ard monypennie and James watsoun caurs foirsaid for the said agnes kincaid for payment to george hammiltoun of prestoun, assignay foirsaid, of 2 chalders victual as for the fermes and dewteis yrof for thair releiff at the hands of dame Jeane cokburne lady haltoun, alexander lawder of haltoun hir son and george hammiltoun of prestoun hir assignay of all yeirs contenit in the said tak and that alexander kincaid sall mak payment to the laird of prestoun assignay foirsaid of the 2 chalders yeirlie during the said space

and finalie decernis and ordanis alexander kincaid to find sufficient cautioun to enter James winrahame, son laul to um george winrahame again to the possessioun of the saids lands and mylnlands at mertinmes immediatelie preceeding the ische of the last year of the foirsaid tak and assedatioun set to his umquhile father

qlk sentence and decreit arbitral being sa given and pronuncit be the saids 3 juges on 7 merche last, they gave it to ather of the saids pairteis chuisse that gif thay or ony of thame wald disassent to the foirsaid decreit that than the same sould be callit againe in presence of the haill lords to the effect they nicht decyde in the said mater *secundum allegata et probata* without ony submissioun

and upoun 18 said moneth of merche comperit Mr James watsoun ane of the saids pairteis and declarit that he wald naways abyd be the said decreit arbitrall bot referrit him to the decisioun of the haill lords and that he wald possess and labour the saids lands in the meantyme as he did of befoir and wald abyd the saids lords determinatioun and decreit anent the releiff of the byroun fermes and in tyme cuming

and yrupoun the said mater being of new callit againe this instant day in presence of the haill lords and ather of the saids pairteis comperand as said is and hard to reson yrintil

and the lords haifand considderit the processes and speciallie the deductioun yrof befoir the 3 amicabill juges and thair decreit and determinatioun abovewritin the haill lords fund and declarit that thay wald haiff the said decreit arbtral given be the 3 juges stand in full force strenth and effect in maner abovewritin and that the same is *actus perfectus* and will naways permit the said Mr James watsoun nor ony of the saids pairteis to oppone or cum in the contrair yrof, the same being ane absolute and perfyte decreit of all things that ather of the saids pairteis may clame agains uyris of qlkis is contenit in the foirsaid principal summonds and in ane clame producit befoir thame

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to the qlk decreit and sentence arbitral the said haill lords hes
interponit thair decreit and decerns ather of the saids pairteis to
observe keip and fulfil the said decreit arbitral in the hail points
clauses and conditionis
and ordanes lrs to be direct yrupoun at ather of the saids pairteis
instances in form as effers

CS7/186/439r(Kincaid c Watsoun)

[from Register]

quhilk day in presence of the lords comperit personallie ser James creichtoun eldar of ffrendraucht on ye ane pairt and James creichtoun younger of ffrendraucht on ye secund pairt and alexander gordoun eldar of lesmoir bayth lykwys personallie present on ye thrid pairt and submitit the actioun and caus intentit and depending befor the lords of counsall at the instance of Mr thomas hammiltoun of drumcarne advocat to or soverane and alexander gordoun of lesmoir his donator to the escheit and lyfrent of ser James creichtoun of ffrendraucht eldar agains ye said ser James to heir and sie the gift of his escheit and lyfrent decernit to appertene to alexander gordoun donator yrto

als the saids thrie pairteis hes **submittit** all contracts, bands, obligatiouns, heritabill richtis, lyfrentis, and all actiouns, questiouns, querrells, contraversies and debaits quhatsumever, quhilks ather of the saids pairteis hes or may lay to the uyris charges upoun ye saids contracts etc maid betuix ather of the saids pairteis and all uyr actiouns etc quhilks ather of the pairteis hes to lay to uyris charges for quhatsumever caus or occasioun bygane preceeding the day and dait heiroyf as salbe mair particularlie contenit in ather of ye saids pairteis clames quhilks ar haldin forexpressit heirintil

to Mr edward bruce commendator of kinloss, ser thomas lyoun of auldbar knyht chosin for the pairt of ye said ser James creichtoun eldar of ffrendraucht, and to alexander lord fyvie president of the college of justice and ser James elphinstoun of lamyngtoun knyht, secretar to or soverane lord, chosin for the pairt of the laird of ffrendraucht younger and the said maister alexander gordoun of lesmoir and to ser robert melvill eldar of murdocairny knyht as odisman and overisman commonlie chosin of consent of all thrie pairteis

and howevir the maist pairt of all the saids four judges or ony twa of thame with the oversman decernis and decretis in the premisses, all the saids thrie pairteis binds and oblisys yame to fulfill and obey and stand content yrwith but reclamatioun or agane calling quhatsumevir

and ye saids four judges and ye said oversman acceptit the said materis in and upone yame and promiseit to gif furth yair decretit and sentence yrintil betuix ye day and dait heiroyf and 20 december nixt to cum but ony forder prorogatioun

and that thai sal have god and guid conscience befor yair eeis in geving of thair decrete and sentence in ye premisses

and ordanes ayir of ye saids pairteis to gif in to ye saids judges and oversman thair clames with all gudlie expedition that thai may have consideratioun yrof as efferis

and alexander gordoun of lesmoir becum cautiouner for ye laird of ffrendraucht younger that he sall fulfill his pairt of ye decrete arbitrall to be gevin and pronuncit in ye premisses to ye said ser James creichtoun his father

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and the said laird of ffrendraucht eldar considdering that he can nocht get cautioun for fulfilling of yat pairt of ye decrete arbitrall foirsaid to his said son, thairfoir ye laird of ffrendraucht eldar was content and consentit that it suld be leasum to ye foirsaid judges or the maist pairt of thame, or ony tua of thame with ye said oversman quha sal gif furth yr decrete in ye said mater to mak sic penalties and restrictiounis as suld pleis yame agains the said auld laird of ffrendraucht in cais he failyie to fulfill his pairt of ye decrete arbitrall in ye premisses to be pronuncit be thame

lyk as ser James creichtoun of ffrendraucht knyt becum cautiouner and sourtie in presence of ye lords of counsall for - chene of straloch that he sal enter himself within ye tolbuith of edinburt in ward quhair he is presentlie in caice ane decrete arbitrall be not given be ye saids judges upoun ye said submissioun and that within 8 days efter the expyryng yrof, quhilk sal expyre 20 december nixt to cum

and in cais ye laird of straloch failyie to enter in ward ye tyme foirsaid gif ane dcerete arbitrall beis not pronuncit in ye mater foirsaid, ye laird of ffrendraucht eldar was content to pay the sowme of money quhairfoir the said laird of straloch wes put in ward in ye tolbuith of edinburt

and als that he suld nevir be hard to insist in the persute or defensses of ony actioun agains the said laird of ffrendraucht younger and lord of lesmoir quhile he ather enter the said laird of straloch within ye said tolbuith of edinburt in waired or ells sal pay ye sowme qrfair he wes put in ye said ward

thairfoir the lords of counsall ordanes ye laird of straloch to be put to libertie furth of ye tolbuith of edinburt during the tyme of the said submissioun quhilk expyres upoun 20 december nixt to cum and 6 days yreftir

and ordanes lrs upon ane simple charge of 6 days to be direct agains the said laird of ffrendraucht in ye said mater and alls ordanes uyr lrs to be direct heirupoun in forme as efferis

CS7/191/352r(Ffrendraucht c Ffrendraucht)

[from Register]

Qlk day anent the actioun and caus intentit and dependand befoir the lords of counsall at the instance of david welland merchand burges of couper agains Jon dougall burges of edinburt, cristiane rotsoun relict of umqle Jon andersone burges of couper and Jon dowgall now hir spous for his entres and his hienes thesaurer and advocat for yr entresses

tuiching the decerning of the declaratioun of pndit horning and denunciatioun usit and execut at the instance of the said cristiane rotsoun agains the complener for not finding of cautioun and lawburrows actit in the buiks of counsall that cristiane sould be harmles and skathles of him in maner lyt under pane of 300 merkis wt the gift of the compleneris escheit grrantit to Jon dougall burges of edinburt upoun the samen horning wt all that hes followit to have bein fra the beginning null etc

comperit pllie in pns of the saids lords the said david welland persewar wt Mrs wam oliphant and Jon nicolsoun his preloquitors and siclyk comperit pllie Jon dougall defender for himself and takand ye burding upoun him for ye said cristiane rotsoun his spous and Jon dougall burges of edinburt donator foirsaid wt Mrs robert lintoun and thomas wilsoun yr preloquitors and procurators

and ye bayt ye saids pairteis and procurators foirsaid iudicialle submittit and referrit ye sd actioun and caus abovespecifeit and decisioun yrof wt all uyr actiouns clames contraverseis and debaittis qlk ayer of the saids pairteis had, has or may intend clame or persew agains uyris for ony caus questioun, quarrell, contraverseis or debait bygane preceeding the dait heirof to the amicable decisioun and determinatioun and arbitrement of Mr william oliphant advocat and adame lawtie wryter to or soverane lords signet as iudges arbitrators and amicable compositors commounlie and equallie chosin be bayt the saids pairteis and to archiballd dowglas of quhittinghame ane of the senators of the college of iustice as odisman and orisman siclyk chosin be bayt the saids pairteis to the decisioun of the said mater

and qtsumevir the saids iudges wt the said orisman or maist pairt of thame concluds decreittis and ordanis to be done be ilk ane of the saids pairteis or ayer of thame to uyris concerning ye premisses or ony mater debaitable betuix thame befoir ye dait heirof, ayer of ye saids pairteis bunds and oblises thame to stand and abydyrat but ony revocatioun and to observe keip and fulfill ye samen to uyris in all pointis, lyk as ye said Jon dougall spous to ye said cristiane rotsoun for himself and takand ye burding upone him for ye said cristiane his spous and for ye said Jon dowgall burges of edinburt donator foirsaid bands and oblises thame to caus the said cristiane his spous and ye said Jon dowgall burges of edinburt to ratifie and appreve this pnt submissioun and to keip observe and fulfill qtsumevir thing the saids iudgis and orisman concluds and decerns in maner foirsaid but ony revocatioun or aganecalling qtsumevir

grupoun ayer of the saids pairteis and procurators askit instrumentis

CS7/185/190v(Welland c Dougall)

[from Register]

in the actioun and caus persewit at the instance of william leslie brother son and appeirand air of tailyie to umquhile Mr androw leslie of innerpeffer agains william kirkcaldie of grainge, Mr thomas hammiltoun of drumcarne advocat to or soverane, Mr johne schairpe of houstoun advocat and thomas hammiltoun of preistfeild and uyeris pretending to have interes

tuiching the productioun befoir the lords of counsall of the pndit submissioun maid and subscryvit be the saids pairteis judges and orismen at edinburt and grainge respectivlie 11th and 10th merche 1598, qrby william kirkcaldie of grange and wiliam leslie submittit thamselvs to the said judges and orismen anent the translatioun to be maid be the said william leslie for him, airs and assignayes to william kirkcaldie of grainge, airs and assignayes of all ryt entres clame or titil of ryt that the said william leslie as narrest and laul air of tailyie to umquhile robert leslie or Mr androw leslie or ony of thame may have or pretend to have to the lands of glasmount and kynnaird, syrefdome of fife, the lands of hiltoun of maler, syrefdome of perth and lands of innerpeffar, syrefdome of forfar and all uther lands heritages and annuelrents to qlk william leslie myt clame ryt or titil as successor to ony of his predecessors ayer as air of tailyie to thame or be quhatsumever uyr manner, and quhat securitie the said william leslie suld have maid to the said william kirkcaldie, airs and assignayes yrupoun, and siclyk quhat satisfactioun the said william kirkcaldie of grange suld have maid and payit to william leslie yrfor and quhat securitie sould have bene to him for payment yrof

togedder with the pndit decreit arbitrall following and proceiding upoun the said pndit submissioun pronuncit be the saids judges at dunnraine and houstoun 7 august 1599 qrby they on yr pndit man[?mandate]hes decernit and **ordanit william leslie to do and perform sundrie clauses and conditionis specifeit in the said pndit decreit qlk is impossibill to him to do, and qlk they had no power to decerne him to do be the said submissioun**

togedder with the decreit of registratioun interponit be the saids lords yrupoun the 28 day november 1599

and to have hard and sene the said pndit submissioun, decreit arbitral following yrupoun with the decreit of registratioun interponit yrto gif ony, be **reducit** retreitit rescindit cassit annulit and decernit and declarit to have bene fra the beginning, pntlie and in tyme cuming null and of nane avail as gif the said submissioun had never bene maid, and consequentlie the said william leslie to have bene reponit in his place and condition grin he wes befoir, befoir the giving and pronouncing of the said decreit arbitral or subscryving of the said submissioun grupoun the said decreit proceidit for the reassons following

in the first the decreit arbitral is pronuncit be the saids judges without tryell or cognitioun tane be thame in the said mater conforme to the ordor and daylie pratik of this realme inviolatlie observit in all sic maters in sa far as it is of veritie that the saids judges wer nane of thame fra the dait of the submissioun ... to the day of the said decreit the - day - 1599 never demandit at the saids personnes at ye leist at the said persewar to produce his

1962

clame qrbay thay micht have bene informit in the said mater to have decernit with the grytter conscience yrupoun nayer yit meanit thay to confer with him yranent bot onlie pronuncit yr decreit maist partiallie without having respect ayer to law or guid conscience, the said mater being ane heretall titil of 40 chalders victual be yeir and the persewar having guid ryt yrto not onlie heritable in all tyme cumig bot also of ane greit number of yeirs bypast qlk will extend in byruns mair nor to the sowme of ane hundreth thowsand merks by and attour the yeirlie rent of 40 chalders

and the saids judges having onlie decernit the said william leslie to receive the sowme of 600 merks, so that it may be considderit how particularlie and how far by all equitie and reasoun and without ony tryell or cognitioun tane in the said caus the saids judges hes decernit thair said decreit and thairfoir as contrair and repugnant to the laws and pratik of this realme newlie observit aut to be rescindit and reducit

secundlie the decreit is given be the saids judges not onlie without tryell and cognitioun tane in the said caus bot also *ultra vires compromissit* in thrie substantial heids and poynts for be the words of the said submissioun the fardest the said william leslie hes submittit to the saids judges is and consists onlie in thair words anent the translatioun to be maid be the said william leslie for him, his airs and assignayes to the said william kirkcaldie of grange, his airs and assignayes of all ryt the said william leslie as narrest and laul air of tailyie to umquhile robert leslie or Mr andro leslie or ayer of thame may have or pretend to the saids lands of glesmount or kynnaird, fyff, hiltoun maler, syrefdome perth, innerpeffer, syrefdome forfar, and all uyr lands or heritages qlk he may clame as successor to his predecessors, swa that the fardest the saids judges culd have decernit was upoun the said heid contenit in the said submissioun as said is and onlie ordanit him to mak the said translatioun in manner foirsid

Bot they [?being] plaine repugnant yrto and *ultra vires compromisseis* as said is hes decernit and ordanit william leslie to purchase and procur himself to be enterit as narrest and laul air to umquhile Mr John leslie his father, to the said umquhile Mr andro leslie his father brother and to umquhile robert leslie of innerpeffer his guidser and to remove all latts[=hindrances]and impediments that may latt or stay him to be enterit as narrest and laul air mail to the personnes foirsaid or ony of thame, qlk clausses is plaine repugnant to the said submissioun and thairfoir decernit be the saids judges as haveand na power to do the same

lyk as the saids judges hes be yr decreit in yr pndit and maist partiall maner interdytit the said william leslie to the said william kirkcaldie of grange his airs and assignayes that he sall not annalie or dispone his ryt and actioun of the lands respectivlie abovenamit nor the profeits yrof nor contract with na maner of persone yranent and do na deid in prejudice of the same, qlk is ane claus never contenit nor na mentioun maid yrof in the said submissioun, and qr it may appeir be the said decreit that the said interditioun is done with william leslieis awin consent, it is trew that william his consent was never socht to that effect nayer ever gave he the same to the saids judges ayer be his subscriptioun or uyer ways

thairfoir the said decreit arbitrall as pronuncit be the saids judges *ultra vires compromissit* as said is aut to be retreitit etc

1963

thridlie the said decreit aut to be rescindit becaus be the words contenit yrin the saids judges and orisman ordanit william kirkcaldie of grange to pay to william leslie 600 merks, lyk as it is contenit in the said decreit that william leslie hes grantit ye receipt of the sowme of 300 merks in pairt of payment and hes dischargit william kirkcaldie of grange yrof, qlk is not onlie repugnant and by the tenor of the said submissioun bot also can nawayes be sustenit becaus it is of veritie that sen the dait of the decreit, viz upoun 17 Januar last, william kirkcaldie of grange be his confessioun in presence of famous witnesses necessar deponit that he had given na kynd of gold nor silver to william leslie for na kynd of caus or occasioun than bygane, as authetik instruments beirs

swa in that respect william leslie receaving na silver as confessit be the said decreit nor uyr commoditie yrof, the same as pronuncit *ultra vires compromissit* aucht to be rescindit

fourtlie it is of veritie how soon that the pndit decreit arbitrall came to knowledge of the persewar and he understanding himself to be unevenlie[?] hurt and skaithit yrby he thairfoir in dew and laull tyme within the space of 48 hors efter the same came to his knowledge laullie and fra the haill heids **reclamit** yrfra and fra the haill heids and points of the same conforme to the laws and pratik of this realm usit in sic causes as authetik instruments takin yrupoun in the hands of - miller and abacok[=?Habbakuk]bisset noters publict beirs

attour it was eikit to the foirsaid s resons of reduction be ye deuction following in sa far as the saids judges arbitrors hes decernit *ultra vires compromissit* be thir words following

quhair they decern the said william leslie to transfer and dispone in favor of william kirkcaldie the byroun maills fermes and dewteis of the lands contenit in the decreit and summons of all yeirs bypast never sic words being contenit in the said submissioun, and forder is not oblist to reduce na infetments, bot the judges be decreit hes ordanit the persewar to do the same *propter ultra vires compromissit* as said is, and forder the saids lords may consider the said decreit to be maist partiallie givin in sa far as be the laws of this realm and commoun pratik, **ane controversie being betuix twa pairteis they may not exceid *dimidium justii pretii quod est arbitrum boni viri*** bot the saids judges hes plaine repugnance yrto and not decernit me[?] fyve schillingis in respect of the just half qlk be reasoun justlie appertenes to me, being ane heritabill titil of 40 chalders victual yeirlie by the byrouns and I onlie to receive 600 merks lyk as the orisman decerning in the said decreit hes nawayes subscryvit the same

and thairfoir the said decreit being pronuncit to my enorme lesioun *ultra dimidium justii pretii et arbitrum boni viri* aut to be rescindit and thairfoir the saids personnes defenders to have comperit befor the lords of counsall at divers days bypast to have brocht and producit with thame the said submissioun, decreit arbitrall and decreit of registratioun interponit yrto to have bene sene and considderit be the lords and to hard the same reducit etc... declarit null as gif the said submissioun had never bene maid and consequentlie the persewar to have bene reponit in his awin estait he was befor the said decreit arbitrall or the subscryving of the said submissioun grupoun the said decreit proceidit for the causes foirsaid s

the persewar pllie pnt with Mrs henry balfour, John haliday and
robert cokburne his preloquitors

1964

william kirkcaldie of grange, Mr thomas hammiltoun of drumcarne
advocat and Mr Johnne schairp being all pllie pnt with Mrs william
oliphant and John nicolsoun yr preloquitors and all uyeris
pretendand to have entres being all laullie summondit, oft callit
and not comperit

the richts etc ... the lords **assoilyeis** the saids personnes
defenders simpliciter fra the petitioun of william leslie and fra
the points and articles contenit in the summons with eik producit
be the persewar and decerns them quhyt yrfra in tyme cuming

becaus the foirsaidis personnes being divers tymes laullie summondit
and chargit to have producit befoir the lords at divers days bypast
the foirsaid submissioun and decreit arbitrall to have bene sene and
considerit be the lords and to have hard and sene the same
retreitit and rescindit, and they for satisfyeing the desyr of the
said summons having producit the same submissioun and decreit
arbitrall of the daits abovewrittin and registrat in the buiks of
counsall as said is and ayer of the saids pairteis allegances
defensses and anwers being at lenth haird sene and considerit be
the saids lords with qlk and particular ressonnes abovewrittin and
eik foirsaid the lords being ryplie advysit they fand na relevant
caus contenit in ony of the saids ressonnes and eik abovewrittin
qrby the said decreit arbitrall myt in onywayes be reducit or
quarrellit bot fand the same laullie and weill gevin and pronuncit
and als becaus it was exceptit peremptorlie that the said william
leslie had na actioun nor entres to reduce the foirsaid decreit
becaus william leslie efter the pronounciatioun of the said decreit
had delyverit to william kirkcaldie his assignatioun and
translatioun of all his ryt and titill that he had of the lands
foirsaidis and that for obedience of the said decreit qrby the said
william ratifeit approvit and emologat[=homologated,ratified]the
said decreit

qlk allegiance abovewrittin being fund relevant be the lords and
admittit to the defenders probatioun they instantlie verifeit and
pruvit the same sufficientlie be production of the foirsaid
translatioun and assignatioun subscryvit be william leslie the
sevint day of august 1599 thairfoir they assoilyeit in maner
abovewrittin and siclyk Mr John schairp ane of the saids defenders
and as procurator for the said william kirkcaldie of grange for
satisfying of the saids lords ordinance exhibit and producit in the
hands of Mr alexander gibsoun ane of the clerks of sessioun ye
foirsaid sowme of 600 merks contenit in the said decreit arbitrall,
qlk being consignit as said is, comperit Mr alexander peiblis
procurator for william wod son to the laird of balbeginoch and
allegit that the same sould not be deliverit to the said william
leslie becaus the said sowme is arreistit at the said william wodis
instance in ye hands of ye laird grange to be maid furthcumand to
him for payment of the sowme of 600 merks qrin the said william
leslie be his obligatioun was addetit to the said william wod

as als comperit James king procurator for adame bothwell and allegit
he hes arreistit the same sowme in the hands of the said laird
grange for payment to him of the sowme of 52 merks, and unto the
tyme the said sowme of 52 merks wer payit, the said sowme sould not
be gevin up to the said william

1965
qlks twa allegances sene and considderit be the lords, they fand the
consignatioun of the said sowme of 600 merks in the hands of Mr
alexander gibsoun at command of the saids lords to be ane sufficient
liberatioun to the said william kirkcaldie of grange agains the
foirsaid arreistments or quhatsumever uther arreistments maid
yrypoun

and notwithstanding of the saids arreistments and allegances foundit
yrypoun the saids lords ordanit the said silver consignit to be
gevin up to the said william leslie according to the qlk the said Mr
alexander gibsoun instantlie in presence of the saids lords geave
and deliverit to william leslie being present the foisaid sowme of
600 merks but prejudice allways of the said personis actiouns agains
the said william leslie as accords of the law

and ordanes lrs to be direct to the effect foisaid gif neid beis in
forme as effairis

CS7/192/232v (L Grainge c Leslie)

APPENDIX II

[from Register]

...grupoun the persewar raisit lrs of arreistment be deliverance of the lords of counsall at command grof thomas miller messenger syref in that pairt upoun 28 Julii 1597 past seasit and arreistit in the hands of the personnes efterspecifeit the guidis and geir and plenisching etc pertening to Johne ravin that is to say

in the hands of barbara allan weddow in bervie ane kow and ane stott, ane meit almrie of fyir wt lokkis and bands, ane meit buird, ane fourme, ane hingand weschell[=hanging vessel], bink of fyir[=bench of fir wood], 2 tin weschell, ane pair of scheittis, sex fyir kistis lokkit and bandit[chests of fir wood, locked and with iron bands]

in the hands of Johne Jamie at the kirk of benholme four pair of blankettis, thrie pair of small hairdin[=harden, ie coarse cloth] scheittis, ane seck[=sack]

in the hands of andro reid in bervie 2 standing bolles of fyir, four deals[=planks] and ane double ruif span[?], sex dors of fir, ane dossane of cabbers[=rafters or the small pieces of wood laid upon them], 30scheip

in the hands of John throw in bervie ane pair of colorit plaids, ane pair of kaddin naills[=cadden nails ie iron pins], ane fuit spaid and greap[=grape]

in the hands of archibald chope in bervie four pair of blankettis, 3 pair of lyning scheittis, ane seck

in the hands of Jon gibsoun ane kist and ane girnell [=grain chest], ane standand bed of fyir

qlks guidis and geir, nolt, scheip,, insicht and plenishing the foirsdaids persouns at the tyme of arreistment grantit them to be restand awand and pertening to Johne ravin to remain ay and ql the persewar be compleitlie payit

CS7/186/276r(Ffullertoun c Ravin)

[from Register]

anent the summonds raisit at the instance of maister george wauchoi p only broder and apparent air to umqle James wauchoi p son to James wauchoi p of glegorme[?]burges of edinburt, margaret, agnes, and Jonet wauchoi p's sisters to umqle James having sufficient entres to reduce the horning underwrn to the effect that the sisters may be confermit exers to him and that the said Mr george as apparent air to him may be servit air to umqle James and archibald geddes younger burges of the said burgh of edinburt spous to margaret for his entres agains alexander Mr of elphinstoun thesaurer to or soverane and Mr thomas hammiltoun of drumcarne his maties advocat for his entres, Mr alexander hay principal clerk, James prymrois clerk deput to the secret counsal haifaris of the lrs and executiounis underwrn tuiching the productioun befor the lords and counsal of the lrs and charge direct be his matiie and the lords of secret counsal for the tyme charging messingeris of armes to pas and in his hienes name and autoritie to command and charge the said umqle James wauchoi p son to george wauchoi p burges of edinburt at halyrudhous 22 februar 1596 to have anserit to sic thingis as suld have bein inquyrit of him at his cuming tuiching his tressonall resset, supplie and intercommoning and allegit furneissing wt money and uyerwayis of umqle archibald wauchoi p sumtyme appeirand of niddrie than his matie declarit trator at divers tymes sen the proces and dome of forfaltor led agains him and to have undertynne sic ordour as sould have bein takin yranent under pane of rebellious and putting to the horn wt certificatioun and he failyeit lrs sould be direct to put him yrto 6th feb, 1596 togidder wt pndit charge 20 feb be umqle Johne simsoun messenger, summundit and chargit at the dwelling hous of georg wauchoi p his father in edinburt, a copie affixt upoun the yet of the hous efter 6 knokis and the said umqle James had na uyr dwelling place; 22 feb for noncompeirance, denunciit rebel and put to the horn and to escheit all his guidis and geir for his hienes use; 25 feb Johne simsoun denunciit umqle James at the mercat croce of edinburt

CS7/190/21r (Wauchoi p c L Thesaurer & L Advocat)

[from Register]

...henry fentoun burges of the cannongait ...alleges that 12 Januar last he obtenit ane decreit befoir the lords of counsall agains the complener[William Naper of Wrichthouses]decerning him to pay to henry tua schilligs sax pence daylie and ilk day efter the dait of the said decreit sa lang as he sould remaine in waird at his instance within the tolbuith of edinburt at the instance of the said complener grupoun henry hes raisit lrs and causit charge the complener to mak payment to him of the said 2s 6d daylie sa lang as he sould remaine in waird at his instance within schort apace efter the charge upoun pane of rebelloun and putting of the complener to the horn maist wrangeouslie

becaus the decreit is obtenit agains the complener for null defence he not comperand yrintil and never being summond to the giving yrof lyk as the sowme of 2s 6d for henry his daylie sustenatioun is maist extraordinarilie modifeit agains him in sa far as henry is not allanerlie wairdit at the compleneris instance but also at the instance of uyris his creditors for greitter dettis nor the complener qlks sould have bene decernit to pay his expenses at ye leist ye maist pairt

gif ye complener wer compellit to ressave 2s 6d for daylie sustentatioun, the said henry be all appearance wald never desyre to be fred and relevit furth of the said waird nather yit wald he mak ony money qrby he micht satisfie his creditors

... yit for eschewing the danger of horning the complener hes consignit 2s 6d daylie etc thairfoir the lrs of horning suld be suspendit

CS7/186/197r(FFentoun c his Creditors)

REASONS FOR REFUSING PETITION IN ACTION OF ADVOCATION FROM PROVOST 4
AND BAILLIES OF EDINBURGH TO THE LORDS

[from Register]

... the lords assoilys the said william smyt defender fra the petition of Jon lowthiane persewar and fra the points contenit in the supplication simpliciter
becaus it was allegit be mr robert lyntoun for the defender that the persewar can haif na actioun agains him be vertew of the foirsaid comprysing producit becaus the same comprysing is not sene allowit and autorizat be the saids lords and be thair deliverance conforme to the ordour usit in all comprysings
thairfoir the same can be na sufficient title to the persewar to persew the said actioun

the lords efter inspectioun had be thame of the said comprysing fund that the same culd not be ane sufficient richt nor title to persew the said actioun quhile the same was dewlie and laulie autorizit be thame and thair deliverance conforme to the ordour usit yranent thairfoir they assoilysit the defender

CS7/186/355v (Lowthiane c Dowglas)

[from Register]

anent the supplicatioun given in befoir the lords be hew watsoun merchand burges in edinburt agains thomas patersoun merchand burges of the said burt of edinburt, makand mentioun that quhair there being divers and sundrie actiouns, questiouns, querells and debates betuix the said complener and the said thomas patersoun, defender, his brother in law, grin the said thomas was altogidder in the wait[= wrong]and wrang and the mater being questiounat befoir the ministeris and sessioun of the kirk with the counsal of the toun, the mater with all thair advyse was ordanit to be referrit to tua honest men to be chosin on ather syde for eschewing of greit inconvenientis lykas in verie deid than instantlie thair was ane submissioun maid and subscryvit be baith the saids pairteis grin the said thomas patersoun nominat and chusit Mrs John nicolsoun and thomas nicolsoun advocatis and the said complener nominat and chusit henry neisbit and John fairlie merchand burgesses of edinburt as **juges arbitors and amicabill compositors** for decisioun of the saids maters and in cais of variance the saids pairteis nominat and chusit thomas fischear baillie burges of the said burt of edinburt as odman and orisman in the said mater and the - day of - appointit for pronounciatioun of sentence yrintil the said submissioun and blank[sic] subscryvit be baith the saids pairteis hands upoun xxvi februar last by past at mair lenth beirs

lyk as also it is of veritie that the said complener causit the foirsaidis juges chosin for his pairt to subscryve the said submissioun and accept the said mater upoun thame, nevertheles the said thomas patersoun usis nathing but craft and politie[?policie]agains the said complener quha hes bene his uter wrak and now he schiftis and delayes the said mater upoun thame nor yit will the said thomas [?or]ony uyer tua accept the said submissioun for him upoun the refusall of the saids Mrs John and thomas nicolsounes to accept the same, and that the said thomas trubles the said complener in the meantyme under color of ane law and wil not suffer the said mater to be richtlie jugeit according to equitie and conscience qlk is to the said complener his uter wrak gif uyer tymous remeid be not provydit yrto

and anent the charge to the said defender to have comperit befoir the Lordis of counsall at ane certane day by past to have hard and sein him decernit to move the saids juges nominat be him to subscryve the said submissioun and accept the said mater in and upoun thame or uyerways in cais of thair refusal to nominat and **chuse uther tua indifferent honest men** within the burt of edinburt to subscryve the said submissioun and accept the said mater in and upoun thame in place of the uyer twa alreddie nominat and refusand or uyerways to have hard and sene the saids Lords of counsall nominat and chuse uyr tua honest men to be **juges arbitouris** for the said defenderis pairt in place of the uyer juges foirsaidis alreddie nominat and chosin be him as said is or elles to haif allegit ane resonall caus quhy the same suld not have bene done, with certificatioun to him and he failyeat the said lords wald nominat and appoint tua honest men of the said burt be the said lords awin discretioun to be **juges arbitoures** for the pairt of the said thomas in place of the uyer tua alreddie nominat be him and refusand for decisioun of the saids materis debatabill betuix the said complener and the said thomas and adjoine thame to the uyer tua chosin for the pairt of the said complener, and they ordanit to pronounce decreit

yrntil with all possible diligence and in cais of variance the said lords wald ordane the maist pairt of thame with the odman and orisman nominat in ye said submissioun to pronounce yrntil conforme yrto and admit the same as valide and sufficient as gif the foirsaid judges alreddie nominat and chosin betuix thame had given and pronuncit the same thamselffis according to the foirsaid submissioun as at mair lenth is contenit in the supplicatioun

the said persewar comperand be Mr Johne dempster his procurator and the said thomas patersoun defender being pllie present with Mrs John and thomas nicolsouns his preloqitors

the richtis ressons and allegatiounis of the saids pairteis hard sein and understand and yrwith being ryplie advysit the Lords of counsall assoilyeis the said thomas patersoun defender simpliciter fra the petitioun of the said hew watsoun persewar and fra the points and articles contenit in the supplicatioun and decernis him quhyt yrfra in all tyme cuming

becaus the said Mr Jon dempster procurator foirsaid in fortificatioun of ye relevance of the foirsaid supplicatioun eikit and offerit to preve that thomas promeisit to caus the saids Mrs johne and thomas nicolsouns judges alreddie nominat be him to accept the said mater and decisioun yrof in and upoun thame or els to caus uyr tua honest men to accept the same in thair steds

qlk allegiance and eik abovewrittin with the points of the said supplicatioun being fund relevant to the saids Lords and admitit to the said persewaris probatioun, he insted of probatioun yrof referrit the same simpliciter to the said thomas patersonis aith of veritie quha being personallie present be his said aith declarit that the samen was naways of veritie and that he never maid sik ane promise and thairfoir they assoilyeit him and ordanit lrs in maner abovewrittin to be direct to the effect foirsaid gif neid beis in forme as efferis

CS7/192/32r (Patersoun c Watsoun)

[from Register]

anent summonds rasit at the instance of abrahame barkar baxter burges of edinburt and euphane quhippe his spous agains william nicolsoun tailyeor burges of the said burgh and sara andro his spous for the wrangeous spoliatioun fra the persewar 17 Januar 1598 efter the dounsetting of the sone furth of yr dwelling hous for ye tyme in the tenement of land pertening heritablie to andro craig tailyeor burges of edinburt in ye wynd yrof callit libbertounes wynd of all and sundrie twa fir and aik kistis contening ye guidis and geir claytis abuliaments writs and evidents

the persewars comperand be Mrs Johne russell and James donaldsoun the defenders comperand be Mrs Johne and thomas nicolsones quha allegit that they aucht to be simpliciter assoilyeit fra ye summonds becaus he offers him to preiff that the persewar being addettit to william nicolsone in the sowme of fourscoir four pundis tuelff schillings sex penneis, sara andro spous to wam nicolsone, in respect yrof convenit ye said persewar and obtenit decreit agains him for ye said sowme befoir the proveist and bailleis of the said burt be vertew of the qlk decreit the said william come to the persewaris dwelling hous in edinburt accompaneit with william hammiltoun ane of the bailleis of the burt to have poindit ye reddiest guidis and geir and finding euphane quhippe wtin the dwelling hous and ye said william hammiltoun baillie having declarit to hir that he wes to poind ye reddiest guidis and geir being wtin the samen for ye said sowme sche thane delyverit to william nicolsone the saids twa kists wt certane guidis annd geir being thairintil for ye tyme the said persewar himself being thane absent furt of the toun to have bene keipit be him ay and quhile he had bene compleitlie satisfeit and payit of the said sowme of fourscoir four pundis 12s 6d according to qlk delyverance and offer of ye saids kists maid be the said persewaris wyffe as said is, the said william nicolsone ressavit the said twa kists lokfast in presence of the said baillie fra the said euphane quha lyk as ye said euphane thane keipit annd retenit in hir awin hand and custody the keyis of the saids twa kists efter that sche had lokit the samen, qlk twa kists ar yit extant and the saids defenders reddy to mak redelyverie yrof to the persewar he payand him the sowme of ... contenit in the decreit and offers to prove the samen

CS7/185/89v(Nicolsone c Barkar)

[from Register]

in presence of the lords comperit Mr thomas gray procurator for
margaret scheillis and thomas hill in meikle govane hir spous for
his entres and producit the copy of ane summonds 21July instant qr
they wer summond at the instance of alexander Mr of elphinstoun
thesaurer to or soverane lord and Mr thomas hammiltoun of drumcarne
advocat and michell mayne burges of glasgow for his entres tuiching
the production of ane obligatioun maid be michell mayne to margaret
scheillis upoun the sowme of 200mks borrowit be him fra margaret
scheillis contening michell to be oblist to pay to margaret yeirlie
25mks as for annuelrent yrof

to have bein considderit be ye lords and to have hard and sein it
bene fundin verifeit and provin that margaret scheillis hes upliftit
and ressavit fra michell mayne mair nor ten merks for ilk hundreth
of the said 200mks and yrby to have contravenit the laws and acts of
parliament

thairfoir the said obligatioun and ryt yrof with the said sentence
contentit yrintil to be decernit to appertene to his hienes and his
thesaurer

CS7/185/276v(Scheillis c Mayne)

[from Register]

HOUSE

... the defenders to anser at the instance of or lovit James ffergusoun of glenschinnoche ... for the wrangeous violent and masterfull distractioun demolisching and downcasting be thameselffis, yair servands, complices and uyris in yair names of yair causing, command, assistance and ratihabitoun in ye moneth of Julii 1585 yeirs of ye dwelling hous boundit and situat upoun ye grund of ye saids lands of glenschinnoche ... to wit of ane hall chalmer and laiche seller, being ane house of thrie hous heicht, the walls yrof being of stane and lyme haiffing for cuppill[=sloping rafters] sett on ye ruiff with ane uther laich hall and ane chalmer upoun ye end yrof contenand fyve cuppill and ane barne of fyve cuppill, twa byres, ilk ane of yame for cuppill,

and for ye spoliatioun and awaytaking of ye dures windois ruiffis cuppillis pantreis and uyr timmer wark of ye samyn, ye damage yrof sustenit be ye said david ffergussoun extending be guid estimatioun to ye sowme of ane thowsand pundis money of yis realme

CONTENTS

ye saids lands and hous furnischt with 5 fedder beddis, bousteris, coddis, codwaris, scheitis, blanketis and coveringis estimat ilk fedder bed to 20 merks

3 greit pottis price of ye pece 6 merks

2 greit caldrounis p of p 20 mks

2 pannis ilk pece 40s

ane girdill 4 pundis

2 speitis, 2 rakis p orheid 5 mks

4 timmer stand beddis p of p 6 mks

4 greit aikin kistis p of p 6 mks

within ye sds kistis 40 elnis of small lyming p of elnne 6s 8d

40 elnes of round lyming p of elne 4s

10 elnes of small quhytt[claith]p of elne 20s

12 elnis of grayis p of elne 20s

40 elnis of quhytt claith p of elne 13s 4d

2 staine wecht of woll, p of staine 4 pundis

twa staine wecht of selff blak woll, p of staine 8 mks

40 stane of cheis p of ye staine 2 mks

20 staine of butter, p of staine 4 mks

4 bollis meill pp of boll measure foirsaid 4 pundis

ane boll of meill p yrof 6 pundis

[from Register]

Beaus of the municipal law and pratik of this realme mutuale observit wtin ye samen it is not leasome to ony persone quha is infest in land or having securitie maid to them for infestment of land or annuelrent furth of land to be given unto them or quha hes onie heretable richts of lands or annuelrents or importing heretable richts of the samen to analie or dispone in *lecto aegretudinis* or on his deidbed or efter the saids persones hes contractit yair deidlie seiknes grin thay efter deceis ather in frie franctenement(?) or lyfrent of ony of the lands or heretages or heretabill richts of lands & obligatiouns so maid for infesting of them heretablie in lands or annuelrents furth of the lands in preiudice of the airs qtsumevir that ar to succed to them and specialie it is not the samen to ony bastard quha hes infestment of land or ony heretabill richt contract or obligatioun maid to him be ony persone for infesting of the said bastard in land or annuelrent to mak ony dispositioun requisitioun or innovatioun of the said heretabill richt on his deidbed in his hienes preiudice quha be richt of his croun hes richt to succed to the said bastard in his lands and heretabill richts

Trew it is that ye said umgle robert danielstoun be ye space of thrie monethes at ye leist be ye space of tuentie dayes preceeding 29 merche 1594 upoun qlk dayit is allegit he maid the contract and dispositioun qll he had contractit his deidlie seiknes, wtout recoverie of helth he deceissit upoun (BLANK) januarii nixt during the qlk tyme he be occasioun of ye said seiknes lay and remanit seik wtin his hous and chalmer wtin ye burt of edr in the foirhous and land of Mr thomas craig advocat seik at ye leist be ye space of tuentie dayes befoir the making of the said contract and at the tyme of making it and yreftir to the tyme of his deceis he being all the tyme seik diseasit in the seiknes grin he deceisit nevir repairing useing or reporting to kirk mercat or ony uther publict place fra yat it was and is evident yat ye contract past and subscrivit be umgle robert danielstoun and issobel king his spous on the ane pairt and the said Mr alexander king advocat, margaret swyntoun his spous and the saids johne and mungo fairleis cautiouneris on ye uther pairt ... was maid and grantit be ye said umgle robert on his deidbed lang efter he had contractit his deidlie seiknes ... so that the said contract maid on his deidbed in preiudice of his matie and donator is expres agains the laws and pratik of this realme thairfoir ye said contract sould be annullit etc

[Mr Robert Cokburne]

COUNTER ARGUMENT

The said robert danielstoun contractit the seiknes grof he deceissit tuentie or at ye leist ten yeiris befoir and yeirlie aneis or twise he was seik yrof and thair intervenit betuix ye dait and ye making of ye said contract and his deceis ten monethes or yrby during qlk space ye said robert stayit in his hous and reparit not to kirk and mercat yit daylie he put on his claithes repairit to buird at metith tyme of day eatit his meit and shapit all sik claithis as war daylie sewit be his servandis in his buith and uyerwayis usit himself in his hous as nnawayis being deidlie seik nayer remanit he bedfast bot was alwayis able to repair to kirk and mercat sundrie tymes and monethes efter subscriving of the contract

[Mr henrie Balfour]

CS7/187/198v (Hammiltoun & Ogilvey c Danielstoun)

INVENTORY OF GOODS STOLEN FROM RICHART MOFFET, BAXTER BURGESS OF
CANNONGATE

[from unindexed papers]

ane greit almrie of aik £20
 ane lang buird of aik £20
 ane lang furme £3
 ane lang saidel [=wooden settee] of aik 20mks
 6 stuils p of p 20s S £6
 twa chairs p of p 40s S £4
 ane standand bed of aik p yrof £20
 ane wyde standand bed of aik p £10
 tua greit kists p of p 40s S £4
 ane irne chynny weyand 20stane wecht p of stane 30s S £30
 twa dosen puyter plaits weyand 20pund wecht p of pund wecht 8s S £8
 thrie dosen trenchers weyand 16pund wecht of puyter p of pund wecht
 8s sen £6 8s
 twa greit plattis of brass p of p £5 S £10
 four pannis of brass p of p orheid 40s S £8
 ane quart stoupe of tyne p 40s
 four pynts of tyne p of p 20s S £4
 tua chopene stoupis p of p 13s 4d S 26s 8d
 ane baisene of brass £4
 twa fedder bedis wt yr furnessing in sheitis blanketis coveringis
 bousters cods codwars p of p £20 S £40
 sex pair of lyning scheitis p of p £4 S £24
 four pair of harden scheits p 40s S £8
 four lyning buird claiths p of p £3 [S £12]

furth of ane kist, ane purss grintill was of quhyt silver 300mks
 mair of gold, [twentie fyve] fyve pund pecis at 8 mks ye peis S
 200mks

ane cloik of gray p £10
 ane sword p £10
 ane greit ledder purs furth of his sleif with £30 of silver

CS15/77/83

SEIZING AND ARRESTING OF "AIRSHIP GUIDS" IN WRITER'S RELICT'S 11
DWELLING HOUSE IN EDINBURGH

[from Register]

ane bed of walnutetrie furnist wt twa doun beddis with arrase work
scheits blankatis and uyris pertening yrto price yrof 100 mks
ane litican[= liticant=lit de camp=a portable or camp bed] wt ane
canabie[?=canopy]wt blankatis and scheittis p £24
ane pair of playdis p yrof 20 mks
ane bed of aik furnist p yrof £20
thrie kistis of aik p orheid £3
ane clois press of walnuscot=wainscot]p yrof £20
ane uyr turnit bed of aik in the chalmer wt twa doun beddis yrin wt
ane new sewit covering yrupoun wt blanketis scheitis & codis p £50
ane new langsadill[=a long wooden bench having a back and commonly
arms and side, normally with locker or chest below beneath a hinged
seat;a common variety could be converted to into a bed] bed of
walnuscot wtin ane doun bed being yrintil
ane stikkit[=embroidered] mat wt blankatis and codis yrto p £24
ane new sewit bed covering wt twa doun codis p yrof ten punds
ane coffer p yrof fyve punds
3 uyr kistis of aik p of pece 40s
ane taffil[=a table of small size] burd of walnuscot p £5
ane roundall burd p £3

all being within the chalmer

in the hall

ane meit burd of walnuscot wt ane furme yrto p £20
sevin cusseanes[=cushions] p 7 mks
ane taffil burd p 5 mks
4 schyres p £4
ane mekill irne chymnay weyand 24stane wecht p ilk stane wecht 26s
8d
5 pynt stopes of tin p of pece 20s
ane quart of tin p 33s 4d
4 chandellaris p of yame all £6
twa basings p £4
3 brasin gairdings[=chamber pots] p of thame £3
2 mortars wt thair pistolls p of thame 5mks
3 flanders stopis p of thame sex punds
ane meit almrie of waluscot p £24
ane silver maser weyand 30 unces p of unce 53s 4d
ane silver peice weyand 12 unce p of unce 53s 4d
ane dussone of silver spunes weyand 18unce p of unce foirsaid

the abuliamments of umquhile Ddavid Johnstoun his body
viz

ane satin dowblat
ane pair of blak velvet brekis
ane pair of silk schankis
wt ane blak cloik lynit with velvet by his claithes qlk he wure on
the work day p yrof orheid £40

CS7/192/205v (Barbour c Johnstoun)

NOTE The relict had remarried so some goods may have been marriage
gifts etc. Her new spouse was a citizen of St Andrews so the
dwelling house in Edinburgh may simply have stored the above.

[from Register]

anent the summons raisit at the instance of agnes douglas dochter laul to george douglas of parkheid and assignay constitute be him to the byrun dewteis agains thomas ffoullis goldsmyt burges of edinburt, Mr david ffoullis his brother, william stenhoy servitour to thomas ffoullis and william milburne induellar in leith to have hard and sein it be fundin and declarit be decreit of the lords that thay be thamselffis at ye leist be ye said william stenhoy in yr names and to yr behuiff hes labourat bruikit and possest ye mines and minerallis lit wtin the said george douglas cedent his lands of glengonar and hes upliftit intromettit with and ressavit the profiteis and commoditeis of the cropes and yeirs of 1597, 1598 & 1599 and continuellie sensyne and yat yrthrow ye saids persounes defenders or ony of thame ar subiect in payment to the said pesewar assignay foirsaid of the sowme of 500merkis money yeirlie the saids yeiris bygane as for the dewties of the saids lands mynes and minerallis

and thairfoir to heir and sie thame decernit be decreit to mak payment to the pesewar assignay foirsaid of the yeirlie dewtie of 500merkis restand awand be the space of 6termes and extending to the sowme of ane thowsand pundis money lyk as at mair lenth is contenit in the summons

the pesewar comperand be robert hammiltoun his procurator quha past fra the said william milburne and fra the said summons in sa faras the samen is raisit agains him at yis tyme and grantit that yr was payit of the said byrin dewteis and sowmes of money lit the sowme of ane thowsand pundis merkis with the sowme of nynescoir thrie pundis money and the remanent persounes defenders foirsaid comperand be Maisters thomas craig and Johne nicolsone yr procuratouris quha allegit that thai aut to be simpliciter assoilseit fra the summons and payment of the haill remanent sowme of money and dewteis libellit [qlks ar not grantit and confessit to be payit in maner foirsaid] becaus the sowmes and dewteis lit ar satisfait and compleitlie payit to the pesewar and uyris in hir name haifand hir power to ressave the samen and offerit thame to preve the samen

CS7/185/303v(Douglas c Ffoullis)

[from Register]

anent the supplicatioun given in befoir the lords of counsall be george sandersoun burges of edinburt agains thomas geddes ane of the bailleis of edinburt

makand mentioun that quhairin the said thomas geddes, defender, alleges him to have obtenit ane decreit of nichtbourheid befoir the bailleis, dene of gild and counsall of edinburt finding that the fewall of ane tenement of land pertening to the complener, lyand at the heid of libertounis wynd, upoun the allegit declaratioun of the deacone of the masouns with certane utheris his brethrene not to be sufficient work in respect it is biggit with clay and stane and ridlings and yrby not abill to beir the rouff, ressave the guter and stand and keip the said thomas skaithles quhen he sall big and tak doun the sidewall of his tenement of land adiacent yrto

and thairfoir decerning and ordaning the complener ather to tak doun his waster sidewall to the ground and big the same up sufficientlie of solid work with stane and lyme or els to find the said thomas cautioun that he and his said waster land salbe harmles and skaithles of the said compleneris waster sidewall and discharging the complener in the mmeantyme of all forder bigging of the said waster sidewall quhill the premisses be fulfillit sa that be vertew of the said pndit decreit the said complener his work and bigging is stayit and his craftsmen laid ydill maist wrangouslie

be reasoun it is of veritie that the said sidewall appertening to thomas, lyand adiacent to the said compleneris sidewall, being altogidder rottin ruinous and nocht abill to stand ane pairt yrof sled[?=slid]fra the compleneris wall mair nor tua fute and is yrby licklie to fall doun upoun the compleneris sidewall masouns and craftsmen, the complener gave in ane supplicatioun in aprile to the bailleis, dene of gild and counsal of the said burt of edinburt schawing the estait of the said thomas geddes his sidewall and hail hous, the bailleis, dene of gild and counsal efter report and declaratioun of honest craftsmen and ocular inspectioun, ordanit the said thomas geddes with all possible diligence to tak aff the ruiff of his said hous and tak sa meikle of the sidewall doun as suld be fundin falteis as the said decreit presentlie to schaw will testifie, qlk decreit is lang befoir the decreit obtenit be the said thomas geddes, and seeing it is of veritie that the said thomas hous sidewall and walls was altogidder decayabill, ruinous and not abill to stand, thairfoir ordanit the same to be tane doun with all possible diligence, the same aucht first to have bene put to executioun and the said ruiff and rottin sidewall alluterlie tane doun and sa had bene, it was not necessar to the complener nather to tak doun his said sidewall qlk was now biggit nor yit to find cautioun to keip him and his landis skaithles seeing that of all equitie and reassoun ony man may big upoun his awin land at his pleaser quhair the haill wall is his awin

and it hes nevir bene practicyeit that ony man biggand ane new land sall find cautioun to stand in perpetuam and gif the said thomas will tak doun and demoleiss his said wall sa far yrof as salbe fundin falteis be sicht of honest craftsmen according to the first decreit, the said complener sall find cautioun to keipand his said land skaithles for sic ane ressonall space as the saids lords sall think expedient quhill as in the menetye he may big up his said hous and sidewall foranent the said defenderis, qlk being done, ilk

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ane of the saids walls will be helpful to utheris and sa it is
nather necessar nor ressonall that cautioun be fundin to stand in
perpetuam nather yit hes the lyk bene practicyeit of befoir as said
is and thairfoir efter executioun of the said decreit aucht to ceis
and be suspendit and the said complener and his saids craftsmen
sufferit to proceid to the work in bigging up of the said hous and
the said proveist and bailleis of edinburt dischargit of all
stopping or trubling of the comlener yrintil

anent the charge to the defenders to have comperit and to bring the
pndit decreit and to have hard the same suspendit simpliciter upoun
the complener lyk as at mair lenth is contenit in the said
supplicatioun,

the persewar comperand pllie with Mr alexander king
the defender comperand be Mr william oliphant

the lords suspends the lrs purchast be thmas geddes agains george
sandersoun simpliciter and the proces of horning to ceis, and
ordanes george with his masouns and uyr workmen to proceid in
bigging of his tenement but ony stop, trubill or impediment to be
maid to him or thame yranent becaus george sanderoun being
personallie present band and oblist him his airs executors and
assignays to the said thomas geddes his airs and assignays[no
"executors"]that the said thomas his hous salbe harmles and
skaithles of the said george his hous and bigging in tyme cuming
and the lords of consent of george geddes finds and declaris that
the said hous and bigging pertening to the said george sanderoun
sall in all tyme hereatfter remane hypothecat[=pledged] and
impignorat[=pledged, pawned, moortgaged]with the said warrandice lyk
as the said george be thir pntis hypothecatis his said tenement with
the foirsaid warrandice and is content that the same remane affectit
thairwith in all tyme cuming and ordanes lrs to be direct to the
effect foirsaid gif neid beis in forme as efferis

CS7/192/96r (Sandersoun c Geddes)

[from Register]

...gawin hereot be himself and his procurators upone 1 apryle 1598 laulie enjoint Johne gairdin to compeir wtin the parochie kirk of sanct Jeill on 3 Junii nixt, now bypast, and yair upoun ane seat and buird wtin the said kirk to have ressavit fra the said gawin or his procurators in his name the equal half of the sowme extending to the sowme of aucht scoir aughtene punds 3schillings 4pence and that for the lowsing and outputting fra the said Jon gairdin his airs and assignayis of the equal half of the malt barn etc and to grant the said equal half to have bein laulie redemit conforme to the contract reversioun and assignatioun be Jon thomsoun to Jon gairdin as authentik instrumentis taikin yrupoun proportis upoun qlk thrid Junii last comperit personallie within the parochie kirk at that pairt and wtin the daskis[=pews]foiranent the tumb of umgle James erle of murray wes situat the said gawin hereot on the ane and uyr pairtis and reversioun maid and grantit be thame to the said Mr Jon and his spous upoun the alienatioun of the said malt barne etc, 3 december 1586, togedder with ane contract and appointment maid betuix Mr Jon and his spous and and gawin and agnes fairlie his spous beirand the alienatioun of the said tenement of land bak and fore under and above to thame with the pertinents grin the malt barne etc ar pendicles and pertinents of the same and as beirand gawin to be cessioner and assignay constitut be the said Mr Jon and his spous to the redemptioun of the equal half yrof sa far as the samen will extend to umgle Jon thomsoun and Jon gairdin his assignayis pairt of 27Julii 1597, as also producit the foirsaid instrumentis of premonitioun and warning according to qlk gwin hereot producit numerat and tauld upoun ane seat of the said daskis within the said kirk besyde the tumb foirsaid the sowme of aucht scoir and 8punds 3s 4d in half of the sowme of £356 6s 8d contenit in the contract and reversioun and efter the numeratioun of the samen the said gawin hereot awaitit in the samen kirk upoun the resept yrof fra him be the said Jon gairdin or onny uyris haveand his power to that effect to the sonne going down on that ilk day and seing the son going down and past to on that ilk the said gawin past furthof the said kirk to the personall presence of John howesoun thesaurer of the said burt and consignit in his hands the aucht scoir 18punds 3s 4d to be furthcumand to the utilitie and profeit of Johne gairdin his airs and assignayis to the effect that in all tyme cuming thhe ane equal half of all the malt barne etc may be consolidat wt the uyr equal half pertening to the said gawin and reput laulie redemit and the said gawin yrwt to have full ryt frie regress and ingress again yrto as gif the samen had never bein annaliat efter the forme and tenor of the said contract and reversioun yrin contenit, assignatioun maid to him be Mr Jon and his spous for redemptioun yrof and premonitioun of warning foirsaid maid be Jon gairdin to that effect as authentik instrumentis be gawin beirs

CS7/186/257r (Hereot c Gairdin)

[from Register]

in the actioun and caus persewit at the instance of niniane adair of kinhilt, thomas agnew brother germane to the sereff of wigtoun, william garner, James glover, william young, thomas agnew merchand, william mcdowgall, thomas kennedy, gilbert and niniane muires, andro kennedy, James makclannachan, Jon kennedy of balneill, Jon russell, gilbert makie, James maktoun, david boyd, allane quhytt, robert lentoun, niniane kinblek, Jon cadell, James mcmakeyne, thomas wilkie, hew mchesall, thomas mclarge, uichtred mcdowgall, andro mccainmyle, alexander ross and Jon adair burgesses and indwellars in the burt of stranrauer

agains

patrik ahannay proveist of wigtoun, archibald tailyefer and Jon adam bailyeis yrof and the counsall and communitie of the samyn burt

makand mentioun quhair the proveist and bailyeis and counsall and communitie of the burt of wigtoun upoun allegiance yat as staitit be or soverane lord and his hienes predecessors be vertew of sundrie acts of parliament that all merchantis of yis realm and burrows sall bruik and have the auld privileges and friedomes grantit to yame be his majestieis progenitors and that na persones dwelland outwith burrowis use ony merchandice, hes outwith the calling of pairtie purchast lrs in all the four formes be deliverance of the lords of counsall quhairwith thai have causit charge the persewars to observe and keip the laws and acts of parliament and to that effect decist and ceis fra all using of ony merchandice, topping[?tapping]and selling of ony wyne, wole and silk, spiceyeis, wald, stapill guidis and fra all packing and peiling[=stripping]and fra houssing of woll, hydys and skinis within the burt of stranrauer or ony uyr pairt outwith the friedome of the burt of wigtoun within the bounds limitat in ane pndit infetment of confirmatioun grantit to yame conforme to the acts of parliament within a schort space efter ilk charge under divers panes and last under pane of rebelloun, intending of malice to put the persewars to the horne wrangouslie

becaus it is of veritie that the pndit lrs and charges ar sinisterlie purchast and grantit be the lords of counsall upoun wrangeous informatioun without ony citatioun or cognitioun tane in ye caus plane agains the saids lords ordinance and daylie practique usit in sic caisis for in cais ye saids persewars had bene in ony ways summondit callit or chargit to have hard the saids charges grantit, they had sufficient defences to have stayit ye drefting yrof, seing the said lrs ar grantit upoun pndiit frivole narratioun na pairtie haifand enteres [being] summondit yrto and swa can na ways preiudge ye saids persewars nather in yair laul defensses in ye contrair

lyk as the saids persewars now allege that thai lang befor the drefting of the saids pndit charges lyt and executorials yrof, or soverane lord not onlie be his majestieis infetment under ye gritt seill 12november 1595 erectit the towne and clauhan of stranrauer in ane frie burt of baronie with ane frie port and heavin with als ampill privilegis and immunitieis of frie burt of baronie as ony uyr burt of baronie had and bruikit

bot also or soverane lord be ane uyr infetment grantit to niniane adair and his airs maill of the lands of kinhilt under his hienes gritt seill 2 merche 1596 with advyse and consent of the lords of cheker for ane annuel sowme of money payit to or soverane lord be

the same compositioun and for sundrie uyr ressonall causes moving his majestie and speciallie for edificatioun and policie[=development of a town]to be had within this realm guid ensurence and ludging to or soverane lords leidges and strangeris resortand to the wast pairt of this realm and of befoir erect maik and constitut and creat ye said towne of stranrauer in ane frie burt of baronie with ane frie port and heavin in all tyme cuming ... with speciall and full power to the said niniane adair his airs maill and the burgesses and inhabitants of ye said burt to pack peill by and sell wyne wax clayt lynning wolne and all uther kynd of merchandice and stapill guids and to have mercat dayis ouklie[=weekly]upoun setterday with twa or thrie fairis twyse in ye yeir and to do exerce have and use all privileges and immuniteis of frie burt of baronie as at lenth is contenit in the infeftment yrof

and forder in ye last infeftment or soverane lord understanding that the said burt and port of stranrauer being 24 mylis distant fra ony burt within this realm is and will be throw laige bigging and polacie to be maid yrintil, not onlie within schort tyme becum popular bot alsua verie commodious to all personnes alsweill strangers as or soverane lords liegis resorting yrto with frequent handling and selling of all kynd of victuals[?]and wairis yrin necessar for yr ease and intertenement of or soverane lords liegis in ye cuntrie about tending grittumlie to ye commoun weill of yis realm

quhairthrow or soverane lord being of deliberate mynd that the said burt sould flureis and the privileges yrof naways preiudgit nor imparit thairfoir or soverane lord with advyse abovewrittin for his majestieis enteres and his successors than and in all tymes cuming renuncit and dischargit the erectioun of all lands and townes or onie pairt yrof adiacent to ye said burt of stranrauer and port of the samyn be ye space of for mylis in frie burt regall or burt of baronie with donatioun of onie privileges liberteis or immuniteis yrunto and decernit and declarit yat it sould not be leasum to ony of or soverane lords liegis to suit erectioun of thair lands barronies and possessiouns adiacent to ye said burt be ye space of for mylis in frie burt or forth[?]in tymes cuming

and to yat effect or soverane lord be ye tenor of the foirsaid infeftment hes inhibite and dischargit all and sundrie his hienes lieges and utheris quhom it effaris of all handling, bying, bloking[=trading]or selling of ony uther guids or wairis outwith ye said burt of stranrauer and friedome yrof be ye space of for mylis about the samyn as in the infeftment grantit to niniane adair yrupoun at mair lenth is contenit

conforme to qlks and lrs of publicatioun raisit and dewlie execut at the instance of the said niniane adair upoun the samyn at all places neidfull the saids persewars hes brukit and joisit ye saids privileges and immuniteis of frie burt of barrounie yir divers yeiris bygane without ony trubill or impediment maid to the sids persewars and or soverane lord ex certa scientia having for mony guid causes erectit ye said towne of stranrauer qlk is distant fra the said burt of wigtoun 24 mylis in ane frie burt of barronie with ane port and heavin and all immuniteis and privileges as said is

and ye infeftments yrof purchast be ye said niniane adair efter or soverane lords perfyte aige upoun his gritt expensses standing in yr awin forme strenth and effect unquerrellit annullit or takin away na ordinairit[?], can not be callit in questioun nor trublit be ye

saidis pndit charges be moyaine without calling of pairteis haifing enteres, laul proces or sentence preceeding and gif the saidis persewars be debarrit fra using of yair traffique of ane frie burt in baronie it will not onlie be ane hinder to ye gritt polacie of yis realme and impair ye privileges and commoditeis of ye towne in closing of his majestieis fra erecting of burts in baronie bot alsua it will be ane dangerous preparative to the hurt of ye haill burts in baronie alreddie creat and creatitit within yis realm

grupoun gritt inconveniences may follow attor ye erecting of the said burt of stranrauer in ane frie burt of baronie and can naways impair damage enteres skayth ony burt reall[=regal, royal] within yis realm bot rather be ane gritt commoditie to the samyn and to the haill cuntrey of galloway in sua far as the burt of stranrauer is distant fra ye burtis regall 24 myles and hes ane guid herberie[=harbour]and hevening place adiacent to the sey callit lochryaine quhair schippis and boittis continuallie repairis and ye erectioun of the said burt causes ye haill lieges resortand yrto to have guid herberie and intertenement to ye gritt weill of all ye cuntre, and ye said burt of wigtoun hes na just caus to complene upoun ony merchandice or traffiquer usit within ye said burt of stranrauer seing yair is na wairis nor aventouris yat can cum to ye said burt of wigtoun is or can be forstallit or preiudgit be ye saidis persewars or yair burt in respect ye samyn hes ane sey port of yair awin callit lochryen far distant fra ye said sey port of wigtoun be ye space of auchtscoir myles be sey and yair lowsing and arryvellis ar contrair, for ye port of stranrauer teyndis to the north and northwast pairtis and the sey port of wigtoun teyndis to ye south and southeist pairtis, plane contrair to uyeris qrby ye traffiquis and aventors of the ane can na wayes be prejudiciall to ye uther

as alsua ye said burt of stranrauer lyis 24 myles be land distant from ye said burt of wigtoun and ye cuntrey peopill quha resortis to stranrauer can na wayes have yair bying and selling in ye said burt of wigtoun commodiouslie qlk is callit ye rynniss of galloway be occasioun of the far jorney betuix and in respect of the riveris of luc[=Luce] taffie[=Tarf] and blaidnoche[=Bladnoch] beand gritt riveris but brigis lyand betuix stranrauer and wigtoun qrby yair can be na fairanes had yrto

forder ye port and heavin of wigtoun is sua peiralous in ye selff that na schipis nor barkis for carrying of sic necessaris as ar proper for ye cuntrey can have access yrto without perrall of yair lyffis and guidis qlks moves ye haill indwellars yrin to carie yair haill necessaris on land be horsbak and sua is not habill in ye self to furnische ye lieges of ye cuntrey adiacent to yame and mekil les ye rynniss of galloway and pairtis yrof qlk is 33 myles distant yrfra

and als albeit ye said towne of wigtoun be revestit in burt regall be vertew of yr auld infeftment and ane confirmatioun yrof allet grantit be or soverane lords predecessor king James ye secund of dait at stirling - yeir and his privilege to use and exerce traffique of merchandice within the bounds following viz fra ye ane strand of the water of cree evin to the sey of irland, that is nather ryt nor ressoun to hurt nor impair ye traffiques and liberteis grantit be or soverane lords dispositioun to ye said burt of stranrauer in respect be ye samyn ye said burt of wigtoun is na wayis stopit nor impidit to use nor exerce yair merchandice and libertie within ye bounds limitat in yair said pndit confirmatioun, bot hes frie libertie notwithstanding the said burt of stranrauer to

use all yair privileges and freedoms and sua na wayis preiudgit of yair traffique of merchandice

and thairfoir the said proveist bailleis counsall and commounitie is nather be vertew of ony generall act of parliament grantit in favor of frie burrows grin the erectioun of burts in barronie is na wayis dischargit bot approvin and allowit, nor yit be yair auld infeftments qlks war not publischt to ye said persewars or inhibitioun laulie maid that ony utheris townis suld be erect in frie burt of barronie can justlie querrell or trubill ye saids persewars and yr said burt of stranrauer port and heavin yrof useing and exercing of ye privileges and fredoms of ye samyn conforme to the saids infeftments grantit to the said niniane adair yrupoun efter his hienes perfyte age

qrthrow the said lrs ar evil execut agains the persewars and the samyn and proces of horning yrin contenit sould be suspensit simpliciter

nevertheles that the lords may understand that the persewars mean na fraud thay have fundin cautioun that thay sal desist and ceis fra using of ony merchandice or traffique within the said towne of stranrauer or ony uyr pairt without ye fredome of the said burt of wigtoun within ye bounds of ye infeftment yrof in cais it beis fundin be ye saids lords that the persewars aut to do ye samyn efter tryell of ye veritie conforme to ye saids lords declarator to be given yrupoun

thairfoir the said proveist bailleis etc of the burt of wigtoun to have comperit and brot and producit with thame befoir the lords of counsall all yair infeftments of ye said burt, acts of parliament maid in yair favor and the lrs foirsaid, executorialls and indorsatiouns yrof to have bene sein and considderit be ye lords and to have hard the effects and executiouns to ceis

niniane adair of kinhilt and remanent special persouns persewars nurgesses and indwellars within ye burt of stranrauer comperand be Mrs robert russell and alexander king

the proveist bailleis counsall ans commounitie of ye burt of wigtoun comperand be Mrs thomas craig and william oliphant

ryts with depositiouns of witnesses with infeftments writs etc and probatioun ... witnesses ressavit, admitit, sworne and examinat with divers uyris writs producit for the persewars pairtfor proving oof the foirsaid resson and caus of suspensioun

the lords **suspends simpliciter** the lrs of horning raisit at the instance of the proveist etc of wigtoun agains the persewars, burgesses and indwellars of ye towne of stranrauer and executioun to ceis

becaus the foirsaid resson of suspensioun being fund relevant notwithstanding the defensses proponit and allegit be the defenders in ye contrair ye resson was admitit to the persewaris probatioun and ane term assignit and the persewars pruvit sufficientlie forder the lords ordanit ye proveist etc of wigtoun to pay to ye persewars £20 togedder with fyve pundis pntlie payit be yame to the lords collector and ordanit lrs to be direct for payment upoun ane simple charge of 6 days allanerlie and uyr lrs to be direct hereupoun gif neid beis in forme as efferis

CS7/189/41r (Kinhilt c Towne of Wigtoun)

[from Register]

anent or soverane lords lrs purchast at the instance of John nasmyt chyrurgiane burges of edinburt agains thomas dalzell merchand burges of the said burt makand mentioun qr the said thomas alleging that be decreit arbitrall pronuncit - november 1599 be certane iuges arbitours amicable compositors chosin betuix thomas and the complener that he wes decernit to pay to thomas £438 6s 8d qlk decreit is regrat in the buiks of counsall, he hes yrupoun obtenit lrs be deliverance of the lords and causit charge the complener to mak payment to him under pane of rebellioun and of putting him to the horn and intends putting him yrto maist wrangouslie considering that be vertew of ane contract and appointment betuix the complener, thomas dalzell and Mr Jon dalzell anent the mutuall societie and partnership of the voyage to the hering to the west cuntrie and to the equal wairing and tynsaill[=loss] according to the said stok qlk sould be put in commoun burss and of outredding yrof intrie[?]salt and uyrways, the saids persones however be ane commoun consent, the said thomas dalzell ressaver and pursar of the haill stokis to be employit to thair use as sould be asrictit to wair upoun the salting of the said hering and orsie the samen and mak iust compt and rekning to the haill pertiners of his intromissioun be charge and discharge and to mak the emplyment of thair money according to thair commissiouns given to him yranent as the said contract and appointment of 27July 1598 beirs

and that the said aulay mcaulay gave out and deborsit at the making of the said contract to thomas dalzell 500mks to be employit be the said thomas to his use and profite according to the tenor of the said contract and that he careit and transportit the said aulay mcaulay his pairt of the said hering extending to aucht last[=unit used in relation to goods transported by water]hering or yrby to the realme of france and sauld the samen thair for threttie sex crouns frie money, ilk last according his compt maid and gevin up be him to the rest of his pertiners

notyeles the said thomas has not maid nor will not mak compt rekning and payment of the waring of the said stok and profits yrof abovementionat nor to the said aulay mcaulay

Yrupoun aulay menit himself to the lords and obtenit thair deliverance withcommand to ane messer to arreist the said sowme in the said compleneris hands lyk as upoun the 20november 1599

James chalmer messer be vertew of the lords deliverance seisit and arreistit the said sowme in the compleneris hands

and lykways according to the said arreistment the said aulay mcaulay hes obtenit lrs be deliverance of the saids lords and yrwt he has causit summond thomas dalzell to compeir befoir the lords to heir and sie the said complener decernit to mak the said sowme furthcumand to him for payment to him of the said sowme of 500mks and profite for employment yrof as abovewrittin as the said lords deliverannce and arreistment be vertew yrof and lrs raisit yrupoun yit dependand befoir the saids lords undesydit shawn to the lords of counsall at mair lenth beirs

qrthrow the saids lrs are wrangouslie and evil execut agains the complener

CS7/186/233r(Dalzell c Nasmyt)

[from Register]

anent or soverane lords lrs purchast at the instance of hary hoip merchand burges of edinburt, robert galbraith laul son to umquhile robert galbraith burges of the said burt and Jon galbraith tutor to the said robert for his entres agains david strang maister of the schip underwrittin and Jon strang of balcaskie

makand mentioun guhair in october 1596 the said hary hoip, william turnbill and the said umquhile robert galbraith had appertening to thame as thair awin propre guidis and geir thrie quarters of the guid schip callit the gift of god, qlk schip at the tyme foirsaid outred the same in victualls for thair pairtis yrof as lykways furneist hir with new saillis, aucht peicis of munitioun, thrie tabills, new cordaills, wairhoipis, anchoris and uyeris new furnitouris appertening yrto the said schip and furnitor yrof estimat to the sowme of four thowsand and fyve hundreth pundis scotis

of the qlk schip the said hary hoip, william turnbill and umquhile robert galbraith maid and imput the said david strang in anstruther waister and awner yrof during thair wills, past at the tyme foirsaid fra bruntisland to anstruther and fra thence to the port of bordeaux in france and thair in the month of october yeir foirsaid the said schip be assistance and adress of the said hary and william was fraucht be monser boytour or his factours fra the port of bordeaux to the sowme [=Somme] in france for sax crownis for the fraucht of everie tun of fourscoir aucht tunis of wyne, qlk quantitie of wyne was sturit in the said schip and transportit be hir to the foirsaid port grof sche in the moneth of december or yrby saiflie arrayvit and the hail wyne was ressavit out of hir be the personnes quha frauchtit hir and immediatelie yrefter the maister of the said schip viz david strang ressavit the haill fraucht abovespecifeit extending to four hundreth fourscoir crownis of the sonne fra the qlk pairt of the sowme the said david strang maister of the schip foirsaid returnit bak agane in hir to bordeaux in merche 1597 at the qlk tyme be assistance and directioun of the said hary and william the said david levit the said schip for fraucht to monser prinquell to have frat and transportit fourscoir sevintene tunis of wyne in copellis [= small tubs] fra the said port of bordeaux to the port of the sowme in france and that for four crownis and threttie sousses as for the fraucht of ilk tun of the foirscoir sevintene tuns extending in the haill to the sowme of of thrie hundreth fourscoir crownis, the companers portage being deductit

and the said william, hary and umquhile robert galbraith the tyme foirsaid arrayvat[?] the said schip and ressavit be the said thomas maister yrof fyve tunis punscheouns* burdeaux wyne appertening to thame to have bene transportit fra the said port of burdeaux to the sowme and to haif bene sauld be him to thair behuif for the darrest prices that he culd obtene yrfor

qlk schip and maister yrof with the guidis and geir arrayvit at the said port of the sowme about Junii 1597 and the said david maister yrof maid deliverance of the wyne abovespecifeit to the persones quha fraucht the said schip at ye leist to uyris in his name and sauld and dispoit the said compleneris fyve tun and thrie punscheouns of wyne for fyftie crownis the tun extending the hail to the sowme of twa hundreth fourscoir sevin crownis and ane half

and within a schort space efter the arrivell of the said schip in the sowme in picurdie and the deliverance of the wyne out of hir, the said david strang ressavit the sowme of thrie hundreth fourscoir crownis as for his fraucht of the second voyage

qlk fraucht of the said tua voyages togedder with the said compleneris frie money of fyve tun thrie puncheouns of wyne and profeits yrof extend the fraucht of the said tua voyages with the compleneris wyne to the sowme of elevin hundreth fourtie sevin crownis and ane half, qlk he had in directioun and command of william turnbill for himself and in name and behuiff of umquhile robert and hary givin to him be the said william abovewrittin in mai or yrby 1597 to haif transportit fra the port of the sowme in picurdie in france thair said schip and money foirsaid, they bering the venture yroff to the rochelle and thair to have employit the foirsaid sowme upoun rochell salt and haif ladnit hir yrwith for scotland to the west sea yrof, lyk as the saids compleners and ather of thame in Julii 1597 appointit with Jon smolat in dumbartane to have sauld the said salt to him for sex pundis ilk boll of hir adding in number to four hundreth bollis of greit salt

lyk as the said david strang sen the tyme foirsaid hes maist wrangouslie violentlie and maisterfullie be himself his servands and comlices etc detenit and withhoulds hir fra thame

thereupoun the compleners intentit actioun agains david strang maister of the forenamit schip befoir or soverane lords admirall and his deputs qrintil upoun the ferd merche last the said compleners obtenit the said admiral and his deputs decretit agains david decerning him to pay to thame the sowme of ane hundreth threttie ane crownis as for pairt of tua frauchtis fyve tunis and thrie punscheouns of wyne abovespecifeit

and siclyk ordaning david strang to have done wrang in the wrangeous intrometting and withhaulding of the foirsaid schip and thairfoir to deliver and mak the same furthcumand to the compleners or than to pay to thame the sowme of tua thowsand merks as for the price of thair tua quarteris of the said schip as for the principall and als decerning david strang to refund, pay to thame the sowme of £20 as expenses of pley and in lyk maner ordanit decretit to have executioun agains John strang of balcaskie as he quha of befoir becum cautiouner and suretie for david strang *de iudico sisti* for causes contenit in the said decretit as the same of the dait foirsaid proportis qlk the saids personnes, principall nor cautiouner, hes not obeyit nor will not obey

anent the charge to the defenders to haif comperit befoir the lords certane day to have hard and sene decretit given in maner underwrittin or els etc quhy the same suld not be done

the compleners comperand be Mr Jon nicolsoun
the defenders comperand be Mr richart spens

the lords ordanes lrs to be direct in all the four formes, ilk forme to be execut wtin 48 hors and the warding place to be in the castel of dumbartane in cais of disobedience charging david strang and John strang of balcaskie his cautiouner to pay to the compleners 131 crownis as for the compleneris pairt of tua frauchtis of fyve tuns and thrie punscheouns of wyne abovespecifeit and to deliver to the compleners thair pairts of the forenamit schip or els to pay to thame the sowme of 2000 merks as the price of thair tua quarters of the said schip as for the principall togedder with tuentie pundis

money for expenses of pley efter the tenor of the decreit productit to the lords

becaus the defenders wer summond to have comperit ... with certificatioun and they failyie the lords wald decerne lrs to be direct agains thame in maner foirsaid

and they comperand be thair said procurator, quha efter the proponing of divers allegances qlks as irrelevant war repellit be the Lords, schaw na resonall caus quhy lrs suld not have bene direct agains thame

thairfoir the lords direct lrs in maner abovewrittin and als for the sowme of ten pundis and fourtie schillings consignit and payit be thame to the lords collector

* a large cask for liquids[wine] ; 2 barrells or 17 gallons is the full of a Bordeaux puncheon [D of Sc T]

CS7/192/78r (Hoip c Strang)

[from Register]

anent or soverane lords lrs purchast at the instance of abrahame thomsoun citiner of kirkcaldie, ser michell balfour of burlye knyght, robert irving and johnne seytoun of pittrodie his cautioneris agais adame and andro logaines makand mentioun quod adame son and apparent air to andro logaine of eister grantoun and andro his father as administrator to him for his entres alleging him to have obtenit ane decreit befor the admirall and his deputies agais abrahame ordaning him to pay the equal half of the haill guidis efterspecificit to wit

ane gryt hundreth and ane half knappald[=clapboard; the smaller size of split oak in contrast with the larger size known as wainscot; imported from Scandinavia and the Baltic; used chiefly by coopers for barrell staves and as panelling or boarding] of duche quantitie extending in scottis to 3600, price of ilk hundreth £22

Item 31 barrell of asche, ilk barrell £11

Item 261 bund[=bundles] of lint ilk yairof ane stane and ane half

Item 4 pyppis of heklit [=having a border or fringe like a cock's hackle] extending to 26 staine

Item 3 scoir 6 pecis of cabbill[=yarn for making cables] towis[=rope] extending to 1400 staine wecht

hes yrupoun raisit lrs and intends to charge the compleneris, Abrahame Thomsoun and his cautioners to pay to thame the spaices[=species or current money] of the geir above specificit with 300 mks of expensses decernit to the said admirall under divers gryt panes and last under pane of rebelloun and poynding of yr guidis and geir for allegit disobedience maist wranguslie

becaus be the said decreit abrahame is onlie decernit to pay to thame certane knappalder, certane wechts of lint asche and tackill[=rigging, geir] and the said decreit naways condiscendand upoun na speciall prices and thairfoir befor all poynding and horning the said adame and andro mon condiscend upoun the prices ... and the lords of counsall mon liquidat the samen

albeit abrahame be decernit be the said decreit upoun this respect in special that it wes fundin that abrahame had intromettit with certane guidis and geir pertening to the saids persones delyverit be the said adame logane to the compleneris within the burgh of queinsburg wtin spruce[=Prussia] be the said decreit as be the samen the said abrahame is decernit to pay to the persones the species and quantiteis of merchand guidis specificit

swa it is speciallie reserving[?] of the compt and rekning for ye deduction to the said abrahame of sic sowmes of money as he hes debursit for adame partlie for the fraucht[=freight; putting goods on a vessel etc.] of the schip quhairin the saids guidis wer transportit fra ye toun of queinsbrug to ye port and havin of bruntland and uyris debuursingis and necessar expensses maid be abrahame concerning the guidis and voyages, qlks voyages ar particularlie sett down in the said decreit upoun the qlk reservatioun hes actioun of dependence befor the admirall alredie admittit to his probatioun as ye act of interloquitor schawin to the Lords beirs thair being admittit to abrahame to preve quhair he delyverit to adame within the burg of queinsbrug wtin the cuntrie of spruce in maii 1595 15 lastis of Ry[lasts=unit of measurement in goods transported by water] sauld be adame and ressavit yrfoir wtin the toun of newhavin

in france fourscoir crounis for ilk last extending to tuelf hundreth franche crounis and in scottis money to sex thousand mks as also the said abrahame delyverit to adame fourscoir fifteine poills[=Polish]guidlings[=guilders]extending to four hundreth mks scottis upoun ye resett of the said Ry and borrowit money foirsaid foirsaid the said adame logane deliverit to abrahame his obligatioun all writtin wt his awin hand subscrivit be him and certane famous witnesses at queinsbrug 27 maii 1595, schawn to the Lords in qlk obligatioun is specialle sett doun the haill intromissioun the said abrahame had with his haill guidis and geir to have bein onlie ellevin pecis of braid Inglis clayth ilk pece coist ten pund sterling extending to ellevin hundreth punds

Item 28 hundreth almit[=treated with alum] scheip skynnis ilk hundreth yrof coist fyfteine punds Summa yrof four hundreth 20 punds 32lib worth of cramng skyns[crame;cramyn = stall for selling goods]Summa yrof thrie hundreth and 20 lib extending the said abrahame haill intromissioun to the sowme of aughtene hundreth and fortie punds as be ye said adames awin hand writ is evident Be ressoun of this the said abrahamis haill intromissioun with the particular guidis they have detenit him befor the admirall and his deputes and hes obtenit the said decreit upoun gritter sowmes nor ye guidis amounts that qlk the said abrahame reseavit being onlie aughtene hundreth and fortie punds

swa ye said reservatioun of compt and rekning eiking[=adding] for payment to the said abrahame of the said ffyfteine lasts of Ry, foirscoir and ffyfteine poills guidlingis frauchtis chargis and expensses maid, deliverit and debursit be him to the said adame logane and at his command extending to aucht thowsand merkis or yrby as the lrs precept inlykwayis shawn to the Lords beirs is maist relevantlie reservit and the samen aucht to be payit to abrahame seeing the samen is maist probabill[=provable]be ye said adames awin hand writt of ye resept yrof and that the guidis intromettit with be abrahame qlk pertenet to adame extendit onlie to aughtene hundreth and fortie punds be onlie sauld in queinsbrug without ony forder warning and at ane unressonall mercat as is maist notorliie knawin to ye haill merchands quha wes thair for ye tyme swa that thir thair punds can not extend to the bying of ye haill halff schippis lading of guidis with the said fyfteine lasts of Ry, foirscoir and fyfteinne poills guidlings haill fraucht charges and expensses maid in transporting of the sammen guidis to this realme extending in the haill to mair nor tuelf thousand merkis and ye guidis not extending to tuentie aucht hundreth merkis swa maist wranguslie wald adame and andro logane defraud the said abrahame of nyne hundreth merkis

followis the particular compt of the charges for speiker[?] meil for the guidis pertening to the said adame logane delyverit to abrahamme thomsoun to sell in queinsbrug ilk oulk[=a 7 day period of time used for payment of wages]tua dollors for tuentie oulks fyftie ane extending in scottis money to sevin scoir threttine punds

Item wairit upoun the apprehending of the theiff that brok ye speiker with the geir he stow[=stole]for adame loganis pairt 4ldollors, in scottis money extending to sexscoir thrie punds Item for the equal half of abrahamis expensses being loft factors for the said adamme as his commissioun beiris to pay the half yrof tua ungros duckattis ilk oulk for 26 oulks, fyftie tua ungros duckattis deinde threttinescoir punds

Item for transporting of adame loganis clayth lether and cunning[=fox]skynnes fra queinsburg to the doun mercat of danskynne for the coists and expensses for his pairt yrof 20 dollors deinde thriescoir punds

Item for expensses for cairing of the lint, asche, takkil and knappald to the schip in queinsburg for adamis pairt 30 dollors deinde 90lib

Item for custome yrof in queinsbrug 30 dollors deinde 90lib

Item for toll in elsenore 30 dollors deinde 90lib

Item for ye steirman, Johnne young, his hyre portage and expensses waitting tuelff oulks upoun the schip 9 scoir lib

Item for fraucht of the guids to claus backlay, duchman, for adamis pairt ane hundreth thriescoir fyftie dollors deinde fyve hundreth 25 lib

Item henrie fergusson payit at command of the said adame for his chairges in boustoun for adamis pairt yrof four pund sterlingde inde fourtie lib

Item andro logane confesst he ressavit fra abrahame in bruntiland nyne staine of takle and threttie knappald price yrof conforme to the admirallis decretit 33 lib

Item for landing the guids in bruntiland contenit in the said admirallis decretit for leist[?=last]maill[?=maill], clois maill, silver maill, costumes, pynnors[=scavenger's]fie and expensses yr selling the guids adames pairt yrof 100 lib

qlk debursings ar all necessar and customable the lyk ar debursit be all merchands and also ar speciallie resyrvit to the said abrahame be the said admirallis decretit and wer all debursit be him befoir the aryving of ye guids to bruntiland and thairfoir in respect of the said reservatioun the samen mon be allowit to the said abrahame befoir ony payment of the guids contenit in the said decretit according to the commoun consuetude usit in sic causes

thridlie it is speciallie provydit be ye act of parliament that in all liquidat sowmes of money recompensatioun salbe respectit speciallie qr ane pairtie may iustlie qualifie qr ane uyr pairtie wer awand sic sowmes as wer autoriceit as in damage and trew it is that adame loganne and abrahame wer bound and oblist to Johnne man merchand in boustoun the sowme of sex hundreth punds sterling extending in scottis money with the damage and enteres yrof to the sowme of aucht thowsand merkis conforme to yr obligatioun maid yrupoun grin they oblist thamselffis to pay the samen to him and the said adame logane be his lrs obligatour subt with his hand band and oblist him to releiff the said abrahame yrof and of all that hes followit or that myt follow yrupoun at the said Jon manis hands as ye obligatioun in lyk maner schawin to the lords beirs

qlks obligatiounis sentences and decreits be ye lawis of ingland and sua being decreits can nevir change thair natur be onie contreis consuetude and yrupoun debtors guids may be presentlie poindit and thair bodies impresonit

of the qlk sowmes of fair hundreth punds the said abrahame hes made compleit payment efter that his guids wer arrestit annd detenit ane lang tyme and himself put in waird yrfoir the space of ane monethe be ye said Johne mann in boustoun in ingland

and qlk ressoun of suspending the said adame and andro can naways refuiss becaus the said abrahame attractit the samen in the first instance be way of exceptioun in the proces led befoir thair admirall the said abrahame desyrit recompens de liquido in liquidem conforme to ye act of parliament qlk the admirall and his deputs nawayis respectit ye samen bot remittit all thingis qlk the said

abrahame had to charge thame with to this yr reservatioun of compt and rekning as in thair decreit producit befoir the Lords beiris

swa that it is verie pertinent to the said abrahame to allege the samen now in this suspensioun, the samen being alwayis sought according to the act of parliament for verificatioun of the payment thairof the said abrahame hes respectit his acquittance with the principall obligatioun and band of releiff as lykwayis schawin to the Lords beiris

be ye qlk it is certane that abrahame hes payit the samen for the said adames debt and be ye act of parliament anent the samen sowmes aucht to be allowit and the said adamis decreit being liquidat sowmes suld be allowit yrintill and qlk liquidat sowmes foirsaidis for ye said fyfteine lastis of Ry, foirscoir and 15 poills guidlings, twa thowsand mks or yrby for the fraucht chairgis and expensses debursit be ye said abrahame as said is with ye foir hundreth pund sterling damage and enteres yrof extends to the sowme of ffyfteine thowsand mkks or yrby with four["hundreth punds sterling" scored out]thowsand merkis scottis or yrby of spuillzie intromettit with be the said adame and andro loganes within the toun of dundie as ye lit precept raisit yrupoun depending befoir the said lords in lykwayis at lenth beiris

thairfoir the said adame and andro hes in yr hands grwt to satisfie thameselffis of the said admirallis decreit baith principall and 300 merkis of expensses decernit be ye said admirall qlk the said abrahame hes requyrit the saids lords to modifie and of all uyr expensses that stands restand awand the said abrahame the sowme of threttin thowsand merkis

and thairfoir the said uyr lrs of horning and poinding aut and suld be suspendit simpliciter upoun the compleneris in tyme cuming

and anent the charge gevin to the defenders to have comperit befoir the Lords at ane certane day bygane bringand the uyr lrs of horning executorialis and indorsatiounis thairof to have bein hard and sein the samen effect yrof and horning contenit yrintil bene suspendit simpliciter upoun the compleneris in tyme cuming lyk as at mair lenth is contenit in the saids lrs

abrahame thomsoun and the remanent persewaris his cautiouneris abovewrittin comperand be Mrs alexander king and Johnne dempster yr procuratours

andro and adame loganes comperand be Mrs Johnne russell and alexander peiblis thair procuratours

the richts, ressounis and allegaunces of ayer of the saids pairteis being hard sene and understand and togidder with ayer of the compts and rekningis gevin in be thame not onlie to the said Lords but lykwayis to the saids Mrs Johnne prestoun of fentoun barnis and david mcgill of cranstoun riddell, auditors appointit be the saids lords for heiring of all thair comptis, debursings, imployment and uyeris qtsumevir foundit upoun the band and societie betuix the said abrahame thomsoun and adame logane fra the beginning yrof and thairwith being weill and ryplie advysit the lords of counsall efter sufficient tryall of ayer of the saids pairteis conforme with the report of the saids twa auditors efter that they had lykwayis considderit the samen finds the said abrahame thomsoun to be iustlie addettit restand and awand to andro and adame loganes of the haill

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sowmes contenit in the said admirallis decreit, the sowme of
auchtene hundreth merks,

and thairfoir ffinds the saids lrs purchast be adame and andro
agains the said abrahame thomsoun and his cautiouneris in the said
matter to be ordorlie proceidit ay and quhile they have maid payment
to the saids adame and andro loganes of the sowme of auchtene
hundreth merkis

and decernis the samen lrs to have effect and be put to forder
executioun *pro tanto* and suspends the saids lrs purchast be adame
and andro loganes agains the said complener in the said matter
simpliciter in sa far as he is chargit for onie forder sowmes nor
the said sowme of 1800 merkis

and ordanes lrs to be direct to the effect foirsaid gif neid beis in
forme as efferis

CS7/186/102r(Logane c Thomsoun)

[from Warrants and Decreits]

James be ye grace of god king of Scottis to or lovittit (BLANK) oure syreffis in yat part coniunctlie and severallie speallie. constitut greting fforsamekill as it is humlie menit & schawin to us be or lovittis harie watsons in birrane in norroway and Jone rowane burges of or burt of edr his cautioner that quhair andro riddell burges of birrane allegeing him to haif obtenit ane decreit befoir or admirall of edr & his deputtis aganes ye said harie decerning & ordaning him to restoir to ye said andro thrie kettills of kopper twa hundret fourescoir xiiii pund weight or paying - s for everie pund weicht yrof extending in ye haill to ye sowme of sexscoir xix pundis xiiis iiiid as for ye prinll and xx merkis as for ye expensses as ye said pndit. decreit geivin aganes ye said complaneres schawin befoir ye saidis lordis of or counsall beires Qrupoun ye said andro hes rayset preceptis of poinding and yrwit intends to poind ye said harie watsons and his said caur guids & geir the sd harie being ane stranger pntlie. upoun ye point of his voyage to norroway to his grete hinder & loiss howbeit it is trew & of veritie yt ye said decreit and precept ar maist wrangeouslie & viciuslie useit and execut aganes ye saidis complaneris only to draw ym. to trubil & cumes wtout ony iust caus Be resson it is of veritie yat ye said decreit is verray partiallie geivin and pronunceit aganes ye said complaner he haveing mony iust causes to haif stayet ye geveing thairof and qlks being proponet be him in dew tyme war maist wranguslie repellit be ye saidis admirall deputes and upoun quhais iniquitie he hes proces of reducioun of ye said pndit. decreit depending befoir ye saidis lordes of or counsall gif he war not impeded be yis pnt. warrand

viz. ye said harie allet in ye first instance yat ye said admirall could not be iuge to him in ye said caus Becaus baythe (WORD MISSED OUT) and ye said andro ar strangeris baythe actuall recident in byrren be yr famelies and sua aucht to be iuged be ye saidis lords allanerlie as onlie iuges competent to thame in ye said matter Secundlie ye said harie allet in ye firt instance yat ye said caus was not ane seyfairing mater bot was done be ye pairties beyond sey in norroway wtin ye said burt of birren grunto ye said admirall depute coude not be iuge competent And in cais in ony wayis he aucht[repeated] to haif bene iuge in ye said mater yit ye said caus being ane block of merchandice and betuix merchand and merchand was expreslie comprehendit under or act of parliament anent ye prescriptioun causes of merchandice and merchands comptis gif ye samyne be not persewet within thrie yeires except ye samyne was offeret to be provin be wrait or aythe of partie And that it was statute be ye said lordes that in all materis above ane ct punds of valour thair sould na probatioun be ressavet be witnesses bot yther be wrait or aythe of ptie. allanerlie and notwtstanding of ye foirsaid allegeance the said admirall depute ressavet witnesses wtin ye said lybell and sik witnesses as aganes qm he had proces depending befoir ye said admirall for thair wrangous intromissioun wt ye samen selff kettills lybellet and sua mycht depone to thair awin reknes(?) Lyk as in verrey deid ye saidis witnesses hes verrie falslie deponet aganes ye said harie watsons to mak him to be ye first payer of ye said kettills qrwit yai intrometit with thame selfis and ye said andro riddell at na tyme produceit wrait, or ayt of partie in ye said caus as he aucht to have done conforme to or said act and ye saidis lords statut

Thridlie ye said harie complaner foirsaid allet befoir ye said admirall that he aucht to be assoilzeit fra all delyverie of ye

said thrie kettills Be ressoun yt ye said andro riddell callet and convenit ye said harie simpliciter for ye samen kettills befoir ye burrow mrs of byrren quha than assoilzeit ye said harie simpliciter. sumandis and persuite for proveing grof ye said harie desyret ane competent terme to be assignet to him of thrie monethe day to repoir ye said obsolvitor furthof ye said toun of byrren qlk desyre being maist iust and resoll. the said admirall refuset to gif ony monethe day nor xl dayes importet ane impossebelitie to him to do as to sute to norroway and returne in yt space and sua ye said admirall wrangeouslie secludit ye sd harie fra all probatioun of his said exceptioun peremptor. and qlk notyeles he offeris him to preive sufficientlie be ye sd decreit obsolvitor ane competent terme being assignit to him for that effect qrthrow ye said admirall depute did manifest wrang in repeiting(?) to ye said compliner of this said thrie allegiances and yrfoir ye sd pndit. decreit being maist partiallie geivin agains ye said complener aucht and sould be suspendit simplr.

Secundlie ye said pndit. decreit aucht and sould be suspendit be ressoun it is provydet be or act of parliament that compensatioun salbe admitet of det withe det *de liquido in liquidam* and trew it is that ye said andro riddell is awand to ye said harie greter sowmes of money than ye said sex scoir xix punds xiiis iiid qlk is of borrowet money & merchandice as ye proces dependeing at his instance aganes ye said andro riddell thairupoun befoir oure said admirall schawin to ye saids lords beires And notwtstandeing of ye said dependence the said harie is content to refer the treuthe of ye said dependence *pro tanto* to ye said andro riddellis aythe of veretie simptr. quidder ye said andro be awand to ye said harie alsmeikill of borrowit money or not In respect quhairof ye said pretendit decrete sould be suspendet simptr.

Thridlie ye said pretendet decret sould haif na executioun aucht & sould be suspendet Becaus ye said harie watsone compliner foirsaid offeris him to preiff at bar sufficientlie be autentik wreitis ye said andro riddell haveand persewet ye said compliner for ye saids kettills befoir ye roddismen and magratys of byrren the said harie was absolvit simptr. fra his persute quhilk sentence standing in the actioun foirsaid ye said andro riddell may never be hard to acclame ye saids kettills nor pryces thairof foirsaid qlk sentence he sal produce ane ressonall space being assignet to him as said is to that effect and thairfoir ye said pndit. decreit & precept aucht and sould be suspendet simptr. upoun ye saids complineris in tyme cuming

Bot yit for ye mair abondance and eschewing of all danger of poinding and uthaires that may follow thairupoun the said harie watsone hes instantlie consignet the saids sowmes to be delyveret to the said andro in cais it salbe fund be ye saids lords that he aucht to haif the samyne efter ye discussing of ye premisses and thairfoir ye said decreit and precept effect yrof & proces of poinding contenit yrin aucht and sould be suspendet simptr. upoun ye saids complineres in tyme cuming as is allegeit

OURE WILL is heirfoir and we charge yow that ye lawlie summond warne and charge the said andro riddell to compeir the tuentie day of maii nixtocum at ye houre of caus wt continuatioun of dayes Bringand & produceand withe him ye said decreit and precept to be seine and consideret be ye saids lords and to heir & see ye samyne effect thairof and proces of oure poinding contenit thairin be suspendet simptr. upoun ye saids complineres In tyme cuming for ye causees foirsaid to be proponeit and alleget be thame in ye contrair in his name and upoun his behalf ye saids day and place wt continuatiouns of dayes and farder to anser at yr instance in ye said mater insafar as law will withe continuatiouns to ye said andro as effeires oure [will is and (MISSED OUT)] we and ye saids lords of oure counsall be

ye tenor heirof suspends ye said decreit and precept effect tharof & proces of poinding contenit yairin discharging or syreffis and of all useing or putting of ye samyne to executioun upoun ye saids compliners and of thair offices in that part In ye mentyme qll ye last day of ye samyne monethe Becaus ye saids compliners hes consignet the haill sowmes of money abovewrittin to be delyveret to ye partie Incais it salbe fund be ye saids lords that he aucht to haif ye samyne according to iustice
Geivin under or signet at edr the xxix day of merche and of or Regne ye xxxiii yeir 1600

Ex deliberatione duorum. consilii

CS15/77/17(Watsoun c Riddell)

[from Register]

...[firstlie] it is trew that ye pretendit decreit and precept ar maist wrangouslie and unjustlie usit agains ye persewars, harie watsoun burges in byrren in norroway and Jon rowane burges in burt of edinburt, onlie to draw yame to trubill be reasoun ye pndit decreit is verie partiallie and maliciouslie gevin and pronuncit agains harie watsoun, he haifing mony just causes to have stayit ye geving yrof and qlk being proponit be ye said harie in dew tyme war maist wrangouslie repellit be ye said admirallis deputis and upoun quhais iniquitie he hes proces of reductioun of ye said decreit depending befoir ye lords gif he war not be ye vacance than stayit[scored out]instant

viz ye said harie allegand in ye first instance yat ye said admirall culd not be judge to him in the said caus becaus yat bayt he and ye said andro riddell[defender of suspension,original pursuer] ar strangers bayt actuallie recident in byrren be thair familieis and sua aucht to have bene judgit be ye saids lords allanerlie as onlie judges competent to yame in ye said mater

secundlie it was allegit in ye first instance yat ye said caus was nocht ane seafairing mater bot was done in ye pairtis beyond sey in norroway within ye said burt of byrren qrunto ye said admirallis deput could not be judge competent and in cais in ony ways he myt have bene judge competent in ye said mater yit ye said caus was ane blok[=commercial agreement] of merchandice and betuix merchand and merchand and was expreslie comprehendit under ye act of parliament anent proscriptioun in causes of merchandice and merchandis compts gif ye samen be not persewit within thrie yeirs except ye samen was offerit to be pruin be writt or ayt of pairtie and yat it was statut be ye lords yat in all maters above ane hundreth punds of valor yair suld na probatioun be ressavit be witnesses bot ather be writt or ayt of pairtie allanerlie

and notwithstanding ye foirsaid allegiance ye admirall deput ressavit witnesses upoun ye said lybell and sic witnesses as agains quhom he had proces depending befoir ye said admirall for yair wrangous intromissioun with the self same kettillis lyt and sua myt depone to yair awin releiff lyk as in verie deid ye saids witnesses hes verie falslie deponit agains ye said harie watsoun to mak him to be ye first payer of ye saids kettillis qrwat thay intromittit with thameselffis

and ye said andro riddell at na tyme producit ony writt or ayt of pairtie in ye said caus as he aucht to have done conforme to ye act of parliament and ye lords statut

thridlie harie watsoun persewar allegit befoir ye admiral yat he aucht to be assoilyeit from all delyverie of ye saids thrie kettillis be reasoun yat andro riddell callit and convenit ye said harie for ye samyn kettillis befoir ye burrow maisteris of byrren quha than assoilyeit ye said harie simpliciter from ye said andro riddellis persute, for preving qrof ye said harie desyrit ane competent terme to be assignit to him of thrie moneths day to report ye said absolvitor furth of ye said towne of byrren in norroway, qlk dissyre being maist just and ressonall ye said admirallis deput refusit to gif ony langer day nor 40 dayis qlk importit ane

impossibilitie to him to do as to saill to norroway and return in yat space

sua ye said admirall wrangouslie secludit ye said harie watsoun fra ells probatioun of his said exceptioun *peremptor* and qlk notyeles he offers him to preve sufficientlie be ye said decreit *absolvitor* ane competent terme being assignit to him to yat effect qrthrow ye admirallis deput did manifest wrang and iniquitie in repelling to ye said persewar of his saids thrie allegances

thairfoir ye said pndit decreit being maist partiallie given agains ye said harie aut and suld be suspendit *simpliciter*

secundlie ye said pndit decreit suld be suspendit be reasoun it is provydit be ye act of parliament that compensatioun salbe admitit of debt with debt *de liquido in liquidum* and trew that andro riddell is auchtand to harie watsoun qlks sowmes of money is mair than ye said 6 scoir 19 punds 13s 4d qlks is of borrowit money and merchandice as ye proces depending at his instance agains andro riddell yrupoun befoir ye admirall schawin to ye lords beirs

notwithstanding ye said dependence harie is content to refer ye treuth of ye said dett *pro tanto* to andro riddellis ayt of veritie quhidder andro be auchtand to ye said harie alsmekill of borrowit money or nocht, in respect qrof ye pndit decreit suld be suspendit *simpliciter*

thridlie ye pndit decreit suld have na executioun but suld be suspendit *simpliciter* becaus harie watsoun persewar offers him to preve at ye bar sufficientlie be authentik writt yat andro riddell haifing persewit ye persewar for ye saids kettillis befoir ye **roddismen** and magistratis of byrren, ye said harie was assoilyeit *simpliciter* from his persuit qlk sentence standing in ye samyn force ye said andro ridell may never be hard to acclame ye saids kettillis nor pryces yrof

qlk sentence he sall produce, ane ressonall space being assignit to him as said is to yat effect

thairfoir ye pndit decreit and precept suld be suspendit upoun ye persewar

bot yit for superabondance and eschewing ye danger of poynding and uys yat sall follow ye said harie watsoun hes consignit of befoir ye saids sowmes to be delyverit to andro in cais fundin be ye lords yat he he aucht to have ye samyn

thairfoir ye decreit and proces of horning suld be suspendit *simpliciter*

anent ye charge to ye defender to bring ye pndit decreit and precept and to have hard ye proces of poynding yrin suspendit upoun ye persewar

harie watsoun burges of byrren and Jon rowane burges of edinburt persewars comperand be Mr thomas gray

andro riddell comperand be Mr umphra blinsele

ye lords suspends *simpliciter* ye precepts purchast be andro riddell upoun ye foirsaid decreit agains harie watsoun and Jon rowane becaus

harie watsoun and Jon rowane ye tyme of obteneing of ye lrs of
suspensioun 29 merche last consignit in adame cowperis hands ane of
ye clarkis of ye sessioun 6 scoir 19 pundis 13s 4d of principal and
20 merks expenses for obedience of ye said decreit and precept
raisit yrupoun

qlk sowme efter ye lords fund ye decreit and precept orderlie
proceidit notwithstanding ye remanent reasouns of suspensioun above
writtin ordanit adame cowper to delyver to andro riddell upoun his
sufficient discharge of ressait yrof and suspendit *simpliciter* ye
said decreit and preceptis past yrupoun as said is

lrs gif neid beis

CS7/189/252r (Riddell c Watsoun]

[from Register]

in actioun and caus advocat to the lords of counsall persewit of befoir be abrahame abircrumbie sadler burges of edinburt, cessiouner and assignay lauffullie constitut to the actioun of spuillzie and profits eftermentionat agains harie watsoun burges of Birrane befoir the admiral and his deputs for the wrangous spoliatioun and intrometting with, withaliding be himself, his servands and complices etc upoun 1 december or yrby in 1599 fra James rig brother germane to maister mungo rig of carberrie principall pairtie and cedent to ye persewar, furth of the haivin and schoir of leith of ye schip callit ye angell with hir haill ornaments, apparells and furnitor pertening and belonging to hir,

all justlie and lauffullie appertening to ye said James rig cedent and author to ye said persewar, togidder with hir haill fraucht of guidis, tymber and merchandyce efterspecifeit being within ye said schip lykwys belonging to ye said james as his awin proper schip and guidis and being in his possessioun within ye said heavin and schoir of leith, occupyit saillit and the said schip wrocht be ye said James rig, his servands marinars and uyris in his name in dyvers seyis, speciallie fra ye towne of Berowne to leith divers monethes and oulks nixt and immediatelie preceeding ye spoliatioun yrof

lyk as ye said guidis and merchandice being yrintil pertene to James rig as his awin proper guidis bocht be him within ye burgh and citie of berowne and uyr pairtis beyond sey and importit be him in ye said schip, keipit, useitt and manurit be him as his awin proper guidis and merchandice within the samyn schip ye tyme of ye spoliatioun, lyk as he was in semblable possessioun yrof divers monethes or oulks nixt and immediatelie preceeding ye spoliatioun

ye pryce of ye foirsaid schip with ornaments and apparelling, thrie thowsand pundis extending the foirsaid guidis and merchandice being yrintil spoilyeit and awantane as said is to the availl, quantitie and prices following, that is to say

threttie faddome[=a linear fathom ;a measurement of rope, cloth or wood]of fyir wod price of ilk faddome yrof 5 merks
fyvetein hundreth daills[=planks]of fyir price of ilk hundreth yrof fyftie pundis
ten thowsand girthstingis[=lengths of wood for making barrel hoops] price of ilk thowsand yrof thrie pundis
ffourtie garrowneis[=short wooden beams]price of ye peice yrof fyve pundis money of yis realm

thairfoir the defender to haif hard and sene him decernit be decreit and act of court to haif done wrang be himself, his servands, complices and uyris in his name of his causing and command als said is in the wrangous, violent and masterful spoliatioun, awaytaking, resetting, detening and withaliding from ye said James rig cedent and author to ye persewar of ye foirsaid schip callit ye angell with hir haill ornaments, apparelling, merchandice and guidis and geir being yrintil and pertening to ye said James as his awin proper schip and guidis and being in his possessioun in maner and be ye space aboverehersit

and thairfoir to haif hard and sene him decernit be decreit foirsaid to restoir and delyver to ye persewar as assignay lauffullie constitut be ye said James rig to this actioun and caus the foirsaid

schip etc ground and place ye same was spoilyeit and takin fra and als guid as they war the tyme of the wrangous spoliatioun yrof or els to refound, content and pay to ye persewar ye prices and avails as at mair lenth is contenit in the principal clame gevin in befoir ye said admiral, act of advocatioun and hail proces led and deducit yrintil

abrahame abircrumbie persewar being personallie present togedder with Mr william oliphant his preloquitor

harie watsoun burges of birrowne comperand be Mr alexander king

the ryts etc and the lords of counsall having consideratioun of ye merriits of ye said caus and speciallie of ane claus contenit in ane contract maid betuixt harie watsoun and James rig on the ane and uyr pairs of ye dait 22 september 1599 and registrat in the buiks of counsall 11 december yeir foirsaid, be quhilk contract the foirsaid schip wes sauld to ye said James rig beairand yat it sould be leasum to ye said harie to mell at his awin hand with the said schip in cais he ressavit not the pryce yrof at the speciall dayis contenit in ye samyn contract, assoilyeis simpliciter ye said harie watsoun defender from ye petitioun of ye persewar in ye said mater anent the spoliatioun of the said schip, ornaments yrof, guidis and geir being yrin and profits of the same and from the haill poynts and articles contenit in the said summons and decernis him quhyt yrfra in tyme to cum

and siclyk the lords having consideratioun of the schortnes of tyme betuix the aryvell of the said schip at the port and heavin of leith upoun 26 day november 1599 and the intromissioun had be the said harie watsoun with the samyn schip, quhilk is allegit to haif bene in the said summons upoun the 1st day december yrefter, decernes and ordanes harie watsoun to refound, pay bak agane to ye said abrahame abircrumbie, cessiouner and assignay foirsaid, all the sowme of ane hundreth fiftie dollors ressavit be him in pairt of payment of the price of the said schip

and lykwys discharges ye said James rig cedent of his obligatioun maid be him to harie watsoun of the sowme of fyftie auld silver dolors of ye dait 4 november 1599 and suspends and discharges all executorialls that hes followit or may follow yrupoun in all tyme cuming

and lykwys as for certane causes and consideratiouns moveing thame hes simply fried and exonerit ayer of the said pairteis contracteris of yair pairts respectivlie of ye foirsaid contract and of all heids and articles yrof and suspends simpliciter all lrs raisit be ayer of ye said pairteis agais uyris for fulfilling yrof

and declaris all lrs and executorialls yat hes bene raisit be ayer of ye saids pairteis agais uyris for fulfilling of ony heid of ye samyn contract to have bene from the beginning and to be in all tyme cuming null and of na avall, force nor effect

and ordanes lrs to be direct heirupoun gif neid beis in forme as efferis

CS7/193/16v(Abircrumbie c Watsoun)

[from Register]

in the actioun and caus persewit at the instance of william trumbill merchand agains william strang burges of anstruther

makand mentioun quhair william strang and certane uyeris awneris of ye schip callit ye marie katheren yrof be thair lrs obligatour subscrivit with thair hands last apryll 1597 grantit thame to haif borrowit and ressavit fra the persewar the sowme of twa hundreth crownis frenche money and sould have payit for aventure yrof in the foirsaid schip tuentie crownis for the hundreth to the port of londoun extending in principall and profite to the sowme of twa hundreth and fourtie crownis principall and profite as said is

the forenamit band thame coniunctlie and severallie, schip bodie and guidis yair airs executors and assignayes rescindand[?reservand] ye benefeit of divisioun to have thankfullie contentit and payit within the towne of yarmouth to george corner beir brewar yair in the name of the persewar within ane month efter thair dischargeing in londoun and obtenit the said george corneris acquittance yrupoun

and the said payment to be maid in the crownes of the sone or sex schillings sterling money for ilk crowne extending in the haill to the sowme of thrie scoir 12lib strelling money but fraud or gyle

and be faillyure of yair deliverance of the said sowme in maner foirsaid to the said george coriner and obteneing of his acquittance yairupoun, in yat cais thay band and oblist thame to have payit for everie crowne of the said nomber for pundis usual money of this realme of scotland extending to the sowme of nyne hundreth and thrie scoir pundis scottis money for everie forlit[?]dayis efter ye dischargeing of yair foirsaid schip in cais thai delyverit not the said acquittance to the said william trumbill, persewar, within the burt of edinburt

and gif in cais forder ye said persewar war constraint to register ye said obligatioun and raise lrs yrupoun in yat cais ye fornait personnes oblist thame to pay the sowme of threttie pundis as for expenses yrupoun undersubscrivit and aggreit betuix thame to be payit with the principall sowme and yat ye lyk executioun pas yrupoun as for ye principall as the said lrs regrat in the buiks of counsall contenis

grupoun the persewar raisit lrs be deliverance of the saids lords and yrwit causit robert eldar messinger upoun the 14 december and - day of - sen he serchit and seikit all and sundrie ye forenait persones guidis and geir and uyeris unvalable perteneing to thame and becaus thai culd find nane strenyeable outwith lokfast lumes thairfoir necessar it is be ye said persewar to proceed to the comprysing of the said persones yair lands and heritage conform to the act of parliament for satisfioun of the said sowme of money specifeit in the said lrs obligatour maid to the persewar yranent

and albeit it is of veritie that william strang hes all and sundrie ye aikers of land underwritin ... to the qlk he myt have guid ryt as narrest and laull air to his father and may enter yrto conforme to the laws of this realme ...[outlines topography of land]...

nonetheles william strang eldest son and apparend air wranguslie lyis furth and will not enter air to his said father of the

forenamit aikeris of land thereby thinking to frustrat the persewar
of all payment of the sowmes of money principall and expenses
contentit in the lrs obligatour to his skayt etc except remeide be
provydit yrto

thairfoir william strang to have hard and sein it be fund and
decernit and declarit in manner underwrittin

williame trumbill persewar comperand be Mr thomas nicolsoun
william strang summondit to the haill dyettis not comperit

the lords decernes that umquhile James strang, father to william
strang deceisit vest and seasit as of fie in all and sundrie ye
foirsaidis aikeris and that the said william strang his eldest son
and apparend air hes guid ryt to the foirsaid aikers and declaris
that it sal be leassom and laull to the persewar to appryse the
foirsaidis aikeris and half aiker lands as gif william strang had
bene speciallie infeft yrintil

becaus the defender was summondit and if faillyeit the lords wald
decerne in manner foirsaid and he comperit not thairfoir the points
wer admittit to the persewaris probatioun quha instantlie verifeit

lrs

[from Register]

anent the summons raisit be James lawrie merchand burges of edinburt assignay and attorney eftermentationat agains robert home of haymouth makand mentioun guhair the defender be his band and obligatioun made and seillit and subscryvit with his hand efter the forme of the realme of england of 14 august 1596 did acknowledge himself to be addetit to lyonell thomsoun burges of the toun of bervik upoun tweede within the realme of england in the sowme of sexscoir pund lauchfull money of the realme of england in and to the said lrs, the said lyonell thomsoun be his lrs of attorney and assignatioun made and constitut the complener and his airs his undoutit and irrevocable attorney and assignay with power to him and his foirsaidis to crave and uplift the samen to his awin use ... the terme of payment lang past ...robert home wrangouslie refuses to pay the said sowme to the compleneris assignay

CS7/186/249v(Lawrie c Home)

[from Register]

anent the summons raisit at the instance of adame cromwall alias abircrumbie citiner in london and attorney underwrittin agais Johnne ogilvie merchand burges of the burt of dundie makand mentioun quhair the complener be his lrs obligatour seillit and subscrivit with his hand and efter the forme of the realme of england 12 Julii 1597 band him to pay to henry sevedale citizen and ane of the draperis of the said citie of london the sowme of nyne punds inglis money immediatelie efter the dait of the obligatioun as the samen proports

and in lyk maner the said Johnne cost and ressavit fra the said henry nyne scottis gardells[=girdles] and belts price of ilk peice fifteine penneis inglis money abovewrittin qlk suld have bene payit be him immediatelie efter the ressait yrof

and siclyk John cost and ressavit fra thomas chalmer citiner and menstrall[?] in london als mekle merchand wairis as extendit to fyve punds inglis money qlks 5 punds the said Johnne be his lrs obligatour 26 of said Julii band him to have payit to thomas chalmers and his attorneyes factors and procurators immediatelie yrefter

as als the said Johnne ogilvie be his uyr lrs obligatour 27 said Julii band him to have contentit to thomas chalmer and his foirsids the sowme of tuentie schillings inglis money betuixt that and 24 August nixt yrefter

to the qlks sowmes the said thomas chalmerlane[sic] constitut the said henry sivedale his verie lauchfull undoutit and irrevocable attorney as the same in itself at lenth proportis

lyk as henry sivedale be his lrs of attorney subscrivit with his hand hes constitut the complener and his airs his verie laull irrevocable attorney and assignay to the sowmes of money particularlie abovementionat with power to him to ask, demand, levrat, restoir, ressave and tak up the samen to his awin use as the samen beirs

and albeit it is of veritie that the termes for payment of the sowmes of money ar bypast and that Johnne ogilvie maid na payment to henry sivedale nevertheles he wrangouslie refuses to pay the complener as assignay

anent the charge to the defender to haif comperit befor the lords of counsall to have hard decreit bene given or ells ... the persewar comperand be Mr henry balfour the defender summond and not comperit

the lords ordanes Johnne ogilvie defender to mak payment to the persewar of the sowmes contenit in the obligatiouns efter the formes and tenors of the same lrs of attorney and assignatioun to the persewar yrof becaus the points wer fund relevant and admittit to the persewaris probatioun efter the defenderwes summond ... with certificatioun etc... and not comperand the persewar instantlie verifeit ...

lrs

CS7/186/351r (Cromwall c Ogilvie)

[from Register]

anent or soveranne lords lrs purchast at the instance of patrik dyikis agains John bekat inglishman, patrik cochrane merchand burges of Edinburt, James smyth merchand burges of the said burt, alexander lord fyvie president of the college of justice and proveist of the said burt of edinburt, wam Maulder, thomas fischer, richart dobie and thomas geilles bailleis of the same burt ; makand mentioun qr the complener is wardit in the tolbuith of edinburt at the instance of the foirsaidis personnes for allegit not payment making to thame of the soumes underwrittin allegit addetit be the complener to thame

viz at the instance of John bekat inglisman as haifannd power of his maister umphra chanhill[?] and John hutcheon for the soume of 36 punds sterling

at the instance of patrik cochrane as haifand power of willieme barnet inglisman for 26 punds sterling

at the instance of thomas smyt merchand burges of edinburt 15 punds sterling

qrin the said complener is verie evil usit and wrangouslie wardit

Be reasoun the saids dettis was onlie contractit be andro lyall father in law to the said complener and he being his servand for ye tyme quha causit the complener to be band with him in sundrie obligatiouns to the forenamit parsones, hes wardit the complener for the saids sowmes albeit andro ressavit the haill penny worthis that was gottin for the same sowmes sauld and dispoit yrupoun at his pleasur

and seing that the complener is ane young man altogidder wrakit and depamperat be androw lyall sa that he has not grupoun to intertenew himself in the said waird far less to satisfie the saids dettis and thairfoir will not fail to perische through extreme famine yrin lyk as his imprisonment is rather ane hinder nor satisfioun to the saids persones in respect qrof the complener is content to mak assignatiouns of his haill guids and geir and dettis present and to cum ql they be satisfieit

qlks assignatiouns the persones and proveist and bailleis refuse to ressave and put the complener to libertie

...the lords decerne they will not permit patrik dyikis to depart out of ward notwithstanding his offer and ordanes Jon bekat to content and pay to patrik dyikis daylie and ilk day fra the dait of thir pntis sa lang as he remanes in ward at the instance of Jon bekat 40 penneis money of this realme for his daylie sustentatioun

CS7/186/235v(Beekat c Dyikis)

[from Register]

... John leyis burges of edinburt restand awand to umquhile John Slewman for skynnys cost and ressavit be him, the sowme of £1000 qrwrt ressavit the sowme of £6 1s 8d sa restis de claro £993 8s 4d mair the said John leyis wes restand awand £80

alexander ahanna appeirand of kilphillane £3 6s 8d restand of £10 6s 8d for 2 ells and ane half of claith, half ane quarter of grene tafetie, 3 dossone of silk buttones, tua drop wecht [drop wecht=1/16 of an ounce] of grene silk, thrie dropewecht of grene cordrins and ane blew and ane quarter of lyning cost and ressavit be him fra the defunct in -

roger gordoun in glaswik £5 13s restand of comptis and merchandice comptit and reknit at midsymmer 1599

John coltrane at the mylne of mochrum 20s restand of ane pair of cairdis maii 1598

william gordoun of crauchlaw £5 10s 6d for certane tar tweill yrone and powder in april and maii 1598

be george maxwell laitlie in dreglen now in blairbeg 49s 11d for claith and yrone in merche or yrby anno foirsaid

John mcghie in clacharie 27s 6d for yron in december

be hew gairdin of grange £34 for merchandice Januar februar and merche 1598 and in april and maii 1599 sik as powder skenzie[=twine; pack thread], thred, plaiding, poldavie[=a coarse and strong canvas or sacking] plaiding, kennowis[kennous=canvas], candell, stiffing, saip powder, led, fusteane, cordennes, and uyr merchandice

androw ahanna son to alexander ahanna of sorbie 30s for blew claith and tweill in october 1599

be robert ahannay in boghous 40s 8d restand awand of claith and yron in februar 1598

alexander gordoun brother to william gordoun of crauchlaw now in glaswik 27s 6d for cordounes and waires april 1595

be patrik mcculloche smyt in elrig £3 12s 4d for ane covering and plaid august 1599

be thomas henrysoun in kirkcowan £6 for claith and borrowit moneynovember 1598

be James henrysoun now in airtfeild for lent money and merchandice april 1599 £25

be James lowrie in merk of glenluce 26s for kairds maii 1599

be Jon mckie tailyeor in glaswik 26s 8d for cairds time foirsaid

be hary mccarlie laitlie in raymestoun now in blairboy £68 6s borrowit money november 1597

25₂
be gilbert mcwilliame in balmannoch £12 lent be the defender Junii
1596

be Jon mccrachane in littil larg £20 borrowit money be him fra the
defender august 1597

be John mcghie in bargiehill of lent money £42 13s 4d borrowit maii
1598

be elizabeth kennedy lady mochrum and John dunbar of mochrum hir
spous for his entres £8 for certane cordinnes lit[=dyed]silk and
salt mai June Julii 1598

alexander agnew brother to andro agnew sereff of wigtoun £9 18s 6d
for claith and salt

abrahame gordoun in grange and merks for yrne salt and as cautiouner
for grissell mcculloche his mother

be williame gordoun brother to robert gordoun of bardene £7 foor
claith and cordonnes april 1598

be alexander dunbar of egirnes for claith cordinnes and salt £5
november 1597

be alexander mcdowgall in tarsknaw £12 for claith and lint mai 1599
hew gordoun of grange 4lmerks borrowit be him fra the defender maii
anno foirsaid

be Jon mcghie wobster in clachraine £20 borrowit be him fra the
defender mai 1598

CS7/192/138v (Lyndsay c Leyis)

[from Register]

I Johne broun indwellar in aymouth grants me to have borrowit and
ressavit instanter at the making of thir pntis fra william naper of
wrichthousses merchand burges of edinburt tua hundreth foirscoir
punds grof I hauld me weill content and completlie payit renunceand
the exceptioun of not numerat money with all uyr exceptioun of the
law that may be proponit in the contrair and binds me my airs
executors and intromettors with my guidis and geir and successors to
my lands or heritage to pay and deliver again to william naper his
airs etc betuixt the dait heirof and 25 december nixt and failyeand
of payment of the said sowme at the day foirsaid qrthrow william
naper and his foirsaidis salbe constraint to regrat thir pntis and
start executioun yrupoun, then and in that cais I bind me and my
airs to pay tuentie pundis as for coist skaith damage pntlie
liquidat and aggredit by and attour the principall sowme and for the
mair securitie am content and consentis that the pntis be insert and
regrat in the buiks of counsall to have the strenth of ane decreit
of the lords interponit yrto with lrs and executorialis of poynding
warding or horning be ane simple charge of 6 dayis warning
allanerlie and for aggreing heirof constitut Mr alexander king
advocat and ilk ane of thame coniunctlie and severallie my laull
procurators for me and in my name to consent yrto *promitte de rato*
in witnes, writ be robert alexander servitour to thomas hervie
writer in edinburt at edinburt 26 maii 1597 befoir witnesses
thomas hervie writer, robert alexander and James forrester his
servitours

extractu in william naper of wrichthousses active and in margaret
dowglas relict and executrix to umqle Jon broun hir spous introrix
with his guidis and geir *passive*

CS7/186/265r(Naper c Dowglas)

[from Register]

...the exceptioun given in in wreitt as said is

It is exceptit for the pairt of James neisbit agains the pretendit summonds of spoilyie persewit at the instance of the bairns and relict of umqle alexander lawrie, and first it will pleis the lords of counsall to be rememberit of the ance that umqle James lawrie annaliet ane tenement of land to umqle eduard galbrayt for ye qlk be the contract of alienatioun the said eduard wes restand awand to umqle James the sowme of 1200 mks and becaus the said umqle James lawrie wes in presoun in the tolbuith for uyr debts, he maid alexander lawrie assignay to the said sowme ql umqle alexander recouwerit the samen be ye law fra the said umqle eduard galbrayt and obtenit payment

lykas the said umqle alexander the tyme of the making of the assignatioun gave his bakband that quhensoever he recoverit the said sowme he sould wtin sex houris tharefter redeliver the same to the said umqle James, qlk band was registrat in november 1597

lykas the said umqle alexander lawrie, efter the ressait of the said sowme come to the tolbuith quhair the said James was in presoun and deliverit to him the same at ye leist sa meikle yrof as wes not debursit to the said umqle James behuiff, grupoun the said umqle James gave his acquittance, this being promittit.

It is exceptit that the said James neisbit aucht to be simpliciter assoilyeit becaus the said umqle alexander lawrie, efter he had ressavit the said sowme of 1200 mks grunto he wes maid assignay be umqle James lawrie, being be his lrs of bakband last merch 1597 and regrat november yrefter, band him to redeliver the said sowme wtin 6 hours efter his ressait yrof to umqle James lawrie umqle alexander lawrie come to the tolbuith the tyme lybellit quhen the said James wes in warde and thair deliverit to him the 630 mks as ane pairt of the 1200 mks and umqle James gave his acquittance writt and subscrivit wt his hand, the remanent of the 1200 mks being of befoir debursit be the said umqle alexander lawrie in the said umqle James his effairis and swa the said umqle alexander lawrie haveing for fulfilling of his bakband deliverit the said sowme and it being mair nor notor to the haill cuntrie that nather umqle alexander nor James lawrie had moyaine nor geir bot the said sowme of 1200 mks acquyrit in maner foirsaid, absolvitor maun be given fra the said pretendit summonds in respect the said alexander deliverit the said sowme for fulfilling of the bakband and umqle James gave his acquittance and the defender[James Neisbit]in helping and assisting James in ressait of the said sowme hes done na wrang

[exception found relevant]

CS7/186/300v(Bischope c Neisbit)

[from Register]

anent summons rasit at the instance of alexander maister of elphinstoun thesaurer to or soverane and Mr thomas hammiltoun of drumcarne advocat etc agains robert mure of cauldwell, James mowatt of busbie, allane cathcart of brownehill, william wallace minister of faill and Johne wallace of auchanis

makand mentioun qr be ye act of parliament haldin at edinburt october 1581, it wes statut that for samekill as yr is of lait croppin in amangis sum nobill men prelattis barronnes gentilmen in certane pairts being of guid leivings griet abuse contrair ye honnor of yis realme and different from the honest frugalitie of yr foirbeiris passand to burrowis clachanis and ailhousses wt yr houshald and sum abyding at hame in yr awin places uses to buird yame selffis and uyris to yair awin servands as in oistlaries

Qrupoun shamfull & skaithfull incombements daylie fallis out to the offence of god, defrauding ye puir of yr almons, sklander of this realme, and hurt of the authors for remeid groff or soverane lord wt avyse of his maties thrie estaitts of ye said parliament hes statut and ordanit that everie prelatt lord barroun and gentilman sall mak his ordiner residence at his awin hous with his familie in all tyme cuming efter the publicatioun of the said act of parliament for setting fordwart of pollicie and decoratioun of the said dwelling places, supporting of the pure wt almons and intertenuing of freindschip wt yr nichtboris in all guid and honest meannes and that they foirbeare ye said inhonest forme of burdeing of thameselffis yr familieis and houshald in burrowis clachanis ailhousses under the panes following

ilk lord and prelatt under pane of 500 mks

ilk greit barroun under pane of 300 mks

ilk landit gentilman under pane of 200 mks

and gif they faillye being callit and ordorlie convict of transgressing of the said act, the said panes to be upliftit to his maties use

trew that the persounes underwritin hes contravenit the tenor of the act

william wallace minister of faill faillyeit in making of his ordiner dwelling and residence wt his familie at his hous of faill

allane cathcart of brownehill ...faillyeit...lyk as yai nor nane of thame held na ordiner nor dwelling places wt yr familieis reptie. in yr said dwelling housses particularlie abovespecifeit bot expres contrair ye tennor of ye act burdit thameselffis in ye towne of faill in ye dwelling hous of [BLANK] indwellar continuallie in ye tyme of winter 1598 and thai have incurrit the pane of 200 mks as for pane of contraventioun of the samyn act

James mowatt of busbie faillyeit in the residence of busbie

Johne wallace of auchanis ... they burdit thameselffis wt robert boyd wtin the place of dreghorne winter 1598 and sua hes incurrit the pane of 300 mks

robert mure of cauldwall burdit himself in ane Johne blairis hous besyd ye said robertis awin dwelling place of cauldwall 1598 and sua hes incurrit the pane of 300 mks

...the lords declaris that they faillyeit in making of yr residence at yr awin dwelling housses and hes burdit thameselffis ... etc and

ordanes thame to mak payment, ilk barroun 300 mks etc becaus the points wer fund relevant to the persewaris probatioun efter the defenders wer summond and not compeirit and terms being assignit he pruvit sufficientlie

CS7/190/286v(L Thesaurer c Burdeonris)

[from Acta Parliamentorum Jacobi vi A.D. 1581]

Aganis ye abuse of sum landit gentilmen and uyeris forbeiring to keip hous at yair awin dwelling places.

21 FORSAMEKILL as of lait yair is croppin in amangis sum noblemen prelatiis baronis and gentilmen in certane pairtis of yis realme being of guid levingis greit abuse contrair ye honoure of ye realme and different from ye honest frugalitie of yair foirbearis passing to burrowis townis clauchanis and ailhousis wt yair houshaldis and sum abyding in yair awin places uses to buird yame selfis wt uyeriis to yair awin servandis as in ye hostillareis quhairon skaithfulland schamefull inconvenientis dalie fallis out to ye offence of god defrauding of ye puir of yair almous sclander of ye cuntrie and hurt of ye authoris ffor remeid quhair of oure soveranne lord wt aduise of his thre estatiss of yis present parliament hes statute and ordanit : That euerie prelat lord barone & landit gentilman sall mak his ordinar dwelling and residence at his awin hous wt his familie in all tyme cuming efter ye publicatioun of ye actis of yis present parliament ffor setting forward of policie and decoratioun of yair saidis dwelling places supporting of ye puir wt almous and intertening of freyndschip wt yair nichbouris be all guid and honestt meanis And that yei forbeir ye said unhonest forme of burding of yame selffis and yair famileis wt houshalds in burrowis clauchanis & ailhousses or in yair awin housses under ye panis following That is to say ilk lord and prelate under ye pane of five hundreth merkis Ilk greit barone under ye pane of thre hundreth merkis and ilk landit gentilman under ye pane of twa hundreth merkis and gif yai failze being callit and ordourlie convict of transgressing of yis present act ye saidis panes to be upliftit to oure soverane lordis use.

[from Register]

...the said conyehous being placit and resident wtin the burt of edinburt yair mony yeirs the same for the better surtie yrof and thingis pertening yrto and mair commodious liferent of ye ordinar officiris yrin be office houses and uyerwayis was situat and set down in the office land and tenementis sumtyme pertening to ard stewart and his spous callit of auld the cardinallis ludgeing now pertening to the said thomas achesoun as the maist meit and commodious hous for that purpose in edinburt

grin efter the choise tane of sa commodious ane hous the haill wark of ye conye hes bene wrocht sen the situatioun yrof qlk was 1581 hithertills and in the qlk the officeris hes thair chalmeris and the said thomas induring his serving his dwelling for the better surtie of ye haill preparatiouns, instrumentis worklumes, yrins pressayes, boxis committit to his and thair custodie qlkis hes and as yit ar yir remaning pntlie and na uyr place provydit for the said work and worklumes for the qlk his hienes and takismen hes bene in use of payment of the sowme of 400 merkis yeirlie for the mail of the same and the tak above being set for na small yeirlie dewtie to wit £5000 gif the saids persones assignays yrto be interruptit be ye said decreit of removing in bruiking of ye said hous with the yeirs of ye said tak [to rin] the same may interes his hienes and hinder his hienes profit

... thair is uther officeris and neberis by the said thomas in the said conyehous quha hes thair awin chargis and bruiks thair awin places as well as he and will not be gottin removit be him and the said thomas achesoun is content to desist fra ye said wester tenement lyand in the blak freir wynd, bot also seing the gretest pairt of the saids guidis pertenes to his hienes qlk are committit to the said thomas custodie in respect of his office so that sa lang as it pleisis his majestie to remove the said thomas in service and guidis and worklumes remans yrin not being ordourlie removit not onlie ye said samuell bot al uyr aut to be dischargit to enter molest or truble entering[?] charge yrin poynd or use ony charge wtin the samen bot aut to be dischargit simpliciter yrof and consequentlie the said decreit and lrs suld be suspendit upoun thomas achesoun

and as to the wester tenement lyand in the blakfreir wynd it is notor that the said thomas befor the dait of the samen decreit hes set the samen tenement to the societie qrof the said samuel is ane conforme to ane tak for payment of uyr four hundreth merkis yeirlie ...

CS7/186/160v(Mr Cunyeor c Burnet)

[from Register]

anent the summons raisit at the instance of James foullis of colingtoun elder and Mr James foullis younger of collingtoun his son cesiounars and assignays laulie constitut be thomas foullis goldsmyt burges of edinburt in and to the obligatioun underwritin and decreit of the Lords interponit yrto agains Jon Keith of Craig brother and air to umqle Ser william keith of delny knyt granter of ye obligatioun at ye leist successour to him titulo lucrativo to heir and sie the obligatioun and decreit of the lords interponit yrto maid be umqle Ser william keith to thomas foullis cedent qrby Ser william keith grantit him to have borrowit annd ressavit fra thomas sax thowsand twa hundreth fortie aut pundis money and band and oblist him his airs and assignays at ane certane day bygane specifit yrintil and failyeing yairof to infest him and his foirsaidis in ane yeirlie annuelrent of sax hundreth xxv lib money be transferrit be decreit of the Lords in the said James foullis of collingtoun and Mr James foullis his son cessiouners and assignays foirsaidis ACTIVE and in the said Johnne keith of craig as broyer and air foirsaid to umqle Ser william keith at ye leist successour to him or intromettour with his guidis and geir PASSIVE lyk as is contenit in the summons

CS7/185/232r(L Colingtoun c Keith)

[from Register]

In the actioun and caus persewit at the instance of alexander huntar merchand burges of Edinburt agains robert Jowssie merchand and thomas ffowlis golsmyt burges of edinburt makand mentioun that guhair the defenders robert jowssie and thomas ffowlis as principalls and Johne gourlay customer [burges] and thomas atchesoun maister coynyeor [and thomas Atchesoun his hienes Mr coynyeor for his entres(in the margin)]and the said alexander as cautioners for the said robert and thomas be thair lrs obligatours suubscrivit with thair hands at edinburt last mai 1596 regrat in the buiks of counsall 11 november the yeir foirsaid band them coniunctlie and severallie to pay to william wod indwellar in leith maistress katherine skirving his spous the sowme of 25 hundreth merkis usual money of the realme betuix that dait and mertinmes nixt following togedder with the sowme of ane hundreth pundis as for lig[=litigating]expenses contenit yrintil

and siclyk robert Jowssie and thomas ffowlis as principalls and thomas atchesoun, alexander huntar and Jon gourlay as caurs for them be yr lrs obligatours subscrivit with thair hands in Junii 1596 band thame coniunctlie and severallie to refund and pay to henry fairbairne sumtyme in fawsyde and nicolas hepburne his spous the sowme of tua thowsand merkis upoun premonitioun mentionat yrintil togedder with tua hundreth merkis of expenses contenit yrintil

as also robert Jowsie thomas ffowlis Johne gourlay thomas atchesoun and the complener be thair lrs obligatours subscrivit with thair hands band thame coniunctlie and severallie to pay to Jon touris of innerleith sevin thowsand merkis money with annuelrent extending to 700 merkis upoun ane certane premonitioun mentionat in the saids lrs obligatours grin robert Jowssie and thomas ffowlis ar oblist for the compleneris relief and to keip him skaithles yrin qlkis ar of the dait 10 november 1594, regrat in the buiks of counsall

and siclyk robert Jowssie and thomas ffowlis as principalls and thomas atchesoun Jon gourlay and the complener as caurs for thame band thame coniunctlie and severallie to pay to david brysoun messer and katherine stewart his spous the sowme of thrie thowsand merkis foirsaid and [?]hundreth pundis as liquidat expenses mentionat yrintil conforme to the obligatioun maid yrupoun 13 november 1594 regrat in the buiks of counsall 26 november 1597

and lykways robert Jowssie and thomas ffowlis as principalls and Jon gourlay and the complener as caurs for thame be ye lrs obligatours subscrivit with thair hands 14 Junii 1595 band thame coniunctlie and severallie to content and repay to abrahame creichtoun son laul to Jon creichtoun of brounstoun ane thowsand merkis togedder with annuelrent of ane hundreth merkis upoun ane certane premonitioun mentionat yrintil

lykas it is of veritie that alexander huntar is oblist as caur for robert Jowssie and thomas ffowlis coniunctlie and severallie for payment of divers uyr sowmes to divers creditors conforme to the contracts and obligatiouns maid to thame yranent and the same in thamselvs at mair lenth beirs

and becaus in the saids obligatiouns and contracts, everie ane of thame, robert Jowssie and thomas ffowlis ar bundin and oblist coniunctlie and severallie to warrand releve and keip skaithles the

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said complener of his cautiounrie and payment of the fornait sowmes reptlie at all hands and of all coistis skaithis dampnage to be sustenit be him yrthrow and that the complener being chargit and trublit be the saids persones for payment of the sowmes of money, principalls and expenses, contenit in everie ane of the obligatiouns and contracts restand awand contiualle sen the daits yrof foirsaidis togedder with expenses liquidat and contenit yrin and that the complener hes oft requyrit robert Jowsie and thomas ffowlis principall pairteis foirsaidis to mak payment to him of the sowmes of money abovespecifeit qrbie he may mak payment yrof to the persones to quhom he is oblist as caur for the said robert and thomas and yrbie to be relevit of his said caurie

nontheles nather have they maid nor will they mak payment to him of the sowmes of money foirsaidis bot in manifest defraude of the said complener and uyris yr creditors hes absentit thamselffis and ar fugitives furth of this realme

lykas the said complener can get na executioun upoun the saids contracts and bands agains thame for payment of the sowmes foirsaidis qrbie he may be relevit and frie of the said caurie as said is seing thay ar furth of this realme nather be executioun of horning nor poyndinge

in respect that horning albeit the said complener wald execut the samen agains thame can naways prevaill seing thay ar na wayes subject to the laws of this realme they being furth yrof and na maner of thing to tyne

and as to poynding of thair guidis, trew that thay haif na maner of guidis nor geir is notorlie knawin to the saids lords qrthrow and in respect of said robert and thomas yr estait and inhabilitie, the said complener is and will be alluterlie frustrat and defraudit of the sowmes of money reptlie foirsaidis and of his releif of his said cautiounrie seing he can get na thing poindabill nor distrenyeabill pertening to thame as thair awin proper guidis and geir except onlie the tak and assedatioun set be walter commendator of blantyre his hienes thesaurer for ye tyme with advyse of his hienes nobilitie and estaites convenit and assemblit in ye moneth of Junii 1598 to the said robert Jowssie and thomas ffowlis thair airs assignayis deputis and substitutis ane or ma of the said coynehous haill profeits commoditeis and casualeis yrof for all the space days yeirs and termes of sex yeirs nixt and immediatelie following thair entres yrto specifeit in the said tak for the yeirlie dewtie of fyve thowsand pounds to be retenit in thair awin hands to be maid furth cumand to his hienes creditouris in maner mentionat and expresit in the act maid yrupoun as in the said tak of 2 august 1598 insert and regrat in the buiks of counsall upoun the samen day at mair lenth is contenit

and thairfoir seeing the saids robert and thomas hes na uyr guidis geir nor dewteis qrthrow they can or mak satisfactioun to the said complener and releve him of his caurie of the sowmes of money reptlie abovespecifeit adettit to the persones in maner abovewrittin, ressoun and equitie wald that the said tak and assedatioun of the said coynehous set to thame and yr foirsaidis during the space abovespecifeit with all privileges immunitieis casualeis profeits and dewteis qtsumever pertening and belanging yrto sould be decernit assignit and adiudgeit to pertene to the said complener and he surrogat in the full place and ryt yrof during all ye space and yeirs of the same abovewrittin to rin efter the dait of the executioun of thir pnt decreit and he ordanit to be anserit and

obeyit of all sowmes of money casualteis profeits and dewteis qtsumever pertening and belanging yrto during ye space foirsid siclyk and als freilie in all respects as the said robert Jowssie and thomas ffowlis and yr foirsaidis micht have done thamselffis be vertew yrof or of ony heid article claus and conditioun set down and contenit yrintil in satisfactioun of the sowmes abovespecifeit and ye said complener his releif yrof sa far as ye profeit of ye said tak may be sufficient for the said releif of the samen sowmes But preiudice of his releif utherwayes upoun sa meikle as ye profeit of the samen tak will not extend to for the samen releif

and anent the charge given to the persouns defenders to have comperit befoir the lords ...to have hard decreit bene given in maner underwrittin or els to have allegit ane ressonall caus quhy the samen suld not have bene done

the said alexander huntar ,persewar, comperand be Mrs Johne scharpe and Isaac broun

the defenders summond but not compeirit

James ffowlis elder of collingtoun and maister James ffowlis his son quha are admittit for yr entres in the said mater comperand be Mr Johne nicolsoun

and siclyk Mr thomas craig advocat comperit pllie for himself and as procurator for george ffowlis goldsmyt and Johne buchannan writer quha lykways wer admittit for yr entreses

the richts ressonnes and allegances being hard etc the lords decernis and adiuges the richt of the foirsaid conyehous set to robert Jowsie and thomas ffowlis, thair airs assignays deputes and substitutes in maner and during the space of the yeirs abovementionat with all privileges etc belanging yrto fra the daits of executioun of the principall summonds ferd day Januar and 15 februar last to appertene to alexander huntar complener and hes surrogat him in thair full place and richt yrof during all the space and yeirs of the same abovewrittin to rin and decernes and ordanes alexander huntar to be anserit of all sowmes of money casualteis profeits and dewteis belanging yrto during the space foirsaid siclyk and als freilie in all respects as the said robert Jowssie and thomas ffowlis or yr foirsaidis micht have done thamselffis be vertew yrof or of ony heid, article, claus, conditioun set down and contenit yrintil in satisfactioun of the sowmes abovespecifeit and the said alexander hes releif yrof sa far as the profeit of the said tak may be sufficient for his said releif of the samen sowmes as said is But preiudice of his said releif uyerwayes upoun sa meikle as the profeit of the samen tak will not extend to for the samen releiff in maner abovespecifeit

and nevertheles the lords of consent of the persewar and his procurators reserves and exceptis furth of this pnt decreit and declaratioun foirsaid the richt of the said cunyhous maid to thomas ffowlis be his majestie, with the said thomas his assignay yrof maid to the said lairds of collingtoun elder and youngar of the samen for thair releif of sic sowmes of money as thay are becummin cautioun for the said thomas ffowlis be vertew qrof they are in possessioun of the said cunyhous ay and ql they be compleitlie satisfeit payit and relevit of yr cautiounarie

as also reserves to sir James elphinstoun of barntoun knyht his hienes secretar furth of yis pnt declaratour the sowme of four

thowsand merkis addettit to him be the said robert Jowssie quhairof
he hes ressavit payment of ane pairt yrof furth of the said robertis
pairt of the profite of the said conyehous ay and ql he be
compleitlie satisfeit and payit of sa meikle of the said sowme as is
restand awand to him furth of the profite of the said conziehous

and siclyk reservis and exceptis furth of this pnt declaratour and
decreit of adiudicatioun of the foirsaid tak and richt of the said
cunziehous and that pairt yrof pertening to the said robert jowssie
the sowme of thrie thowsand and thrie hundreth merkis restand awand
be the said robert to the said Mr thomas craig and the sowme of
thrie thowsand pundis restand awand be him to the said george ffowlis
togedder with the sowme of thrie thowsand merkis restand awand be
the said robert to the said Johne buchannan ay and ql thay be
compleitlie payit of the saids sowmes furth of the reddiest profite
of the said robert his pairt of the said conyehous

and the saids lords declaris that this pnt declaratour and
adiudicatioun of ye ryt of the foirsaid tak of the foirsaid
cunyehous sall nawayes be extendit to ony pairt of the sowmes
particularlie abovewrittin restand awand to thame and ilk ane of yam
ay and ql they be compleitlie payit of the samen

becaus the haill points and articles contenit in the summonds being
fundin relevant be the saids lords and admittit to the persewaris
probatiou he instantlie verifeit and provit sufficientlie sa far as
micht infer adiudicatioun of the foirsaid tak with all immuniteis
and profits yrof except sa meikle of ye profite yrof as micht
satisfie and compleitlie pay the particular personnes abovewrittin
of the sowmes particularlie abovementionat contenit in the foirsaid
reservation qlk was cleirlye understand to the saids lords
and ordanes lrs to be direct to the effect foirsaid gif neid beis

CS7/186/330r(Huntar c FFowlis)

[from Register]

anent or soverane lrs purchast at the instance of george heriot goldsmyt burges of edinburt agains maistress margaret hammiltoun dochter laull to claud lord of paslay makand mentioun that quhair maistress margaret alleges that robert jowsie merchand and thomas fowlis goldsmyt as principals, John gourlay merchand and the said georgge heriot as allegit cautioners for thame, be yr lrs obligatour 18 Junii 1595 band thame coniunctlie and severallie to have payit to umquhile Jeane hammiltoun countes of eglintoun the sowme of thrie thowsand merks betuix that and 10 mai 1598 togidder with the sowme of tua hundreth and fortie punds of liquidat expenses in cais of registratioun of the said obligatioun and that the said obligatioun is sen syne insert and registrat in the buiks of counsall at the instance of mr John ra burges of hamiltoun allegit executor testamentar confermit to umquhile lady eglintoun and that the said mr John hes constitut maistress margaret hammiltoun assignay to the said pndit obligatioun

grupoun the said maistress margaret hes purchast lrs be deliverance of the lords and yrwith hes causit charge the complener to mak payment to hir of the foirsaidis sowmes principal and expenses wtin 6 days nixt efter the charge under pane of rebelloun and failyeing yrof to put him to the horne and as he is informit intends to caus put him yrto howbeit it is of veritie that the said lrs ar maist wrangouslie usit agains the complener for payment of the saidis sowmes to maistress margaret quha is allegit assignay constitut yrto be the said mr John ra allegit executor testamentar confermit to umquhile lady eglintoun for the reassouns following

firstlie

trew that the principal sowme and expenses contenit in the pndit obligatioun is na ways laulie confermit expresslie as it aucht to be in cais it wer awand in the confermit testament of the said umquhile lady and sa not being expresslie confermit hir executor nor his assignay can have na sufficient caus it war awand as said is for gif the said sowme had bene restand awand to the umquhile lady the tyme of hir deceis she wald not have omittit to have given up the same in particular in hir testament and latter will as dett awand and the said complener is informit that umquhile lady eglintoun was payit of the sowme in the obligatioun be robert Jowsie and thomas fowlis lang befoir hir deceis quha hes hir sufficient acquittance and discharge in yr hands qlk can not now guidlie be had in respect thay are pntlie furth of the realm

secundlie

in cais the said sowme wer as yit restand awand unpayit as it is not yit the said complener is wrangouslie burdenit and chargeit with the payment yrof be resson that the saidis robert Jowsie, thomas fowlis, Jon gourlay, alexander hunter and the said george heriot haifing at the special requeist and desyre of the said umquhile lady becum cautioners and suerteis for david dundas of preistnithe[?] for payment to umquhile mr Jon moscrope of casseltoun of the principal sowme of fyve thowsand merks togidder with the yeirlye annuelrent yrof during the non redemptioun, the said umquhile lady eglintoun be hir special band and obligatioun maid yranent 20 Junii 1595 band and oblist hir hir airs executors and assignays that she sould on na ways persew, trubill or use executioun of horning or poynding agains thame nor nane of thame for payment of the sowme of money contenit in the foirsaid obligatioun unto the tyme thay wer sufficientlie

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releivit of the foirsaid cautiounrie at the hands of mr Jon moscrope and of the haill contents and clauses contenit in the said obligatioun maid yranent, as the band maid be the said lady yrupoun proports and trew that the said complener is na ways as yit laulie fried and releivit of the foirsaid cautiounrie at the hands of mr John moscrope, his airs and executors and befoir he be sufficientlie fried and relevit yrof he is naways hauldin to mak payment of the saids sowmes of money contenit in the foirsaid pndit obligatioun to the executors nor assignays of the said umquhile lady

thridlie

trew that his hines understanding that the said robert Jowsie and thomas ffowlis hes not as yit maid the comptis of thair debursements of the sowme of money addettit be his majestie to thame and sa that his hines can not mak payment to thame of the sowmes of money addettit be his majestie to thame of the qlks sowmes foirsaid the saids sowmes contenit in the said pndit obligatioun wes ane special part, his hienes be his special lrs of protectioun and supercedie past be his majestie and be the subscriptiounnes of the Lords of counsall and sessioun 29 november last, haif takin the saids robert Jowsie and thomas fowlis and thair haill cautiouners and suerteis **under his hines special protectioun and mentinence** to be unhurt, untrublitt, chargeit or molestit for payment of quhatsumever sowmes of money or dettis quhill the 25 august nixt to cum discharging all juges quhatsumever of proceeding agains thame in the meantyme as in the said lrs at mair lenth is contenit

and it is of veritie that the foirsaid sowme of thrie thowsand merks contenit in the said obligatioun borrowit be the said robert Jowsie and thomas fowlis fra the said umquhile lady eglintoun was borrowit be thame and employit be thame to hia hines proper use and to the furneiseing of his hines awin housses as is notour to his majestie qrthrow the said complener is now maist wrangouslie burdenit and chargit for payment yrof or of ony pairt of the same to the executors or assignays of umquhile lady eglintoun unto the tyme that first his hines quhome to it wes borrowit as said is mak payment yrof agane to the said thomas fowlis and robert Jowsie and to the said complener yr cautiouner foirsaid for his releif

and lykways trew it is that the tyme of the registratioun of the foirsaid pndit obligatioun and interpositioun of the saids lords of counsallis decreit yrto, the saids lords hes reservit always to the said complener all his defensses qlk he hes or will use agains the executioun of the saids lrs and hes ordanit that he sall have suspensioun but cautioun or consignatioun as the said decreit beirand the said ordinance schawin and producit befoir the lords beirs

and thairfoir the said lrs effect yrof and proces of horning should be simpliciter suspendit upoun the complener inn tyme cuming

and anent the charge to the defender to have comperit befoir the lords at ane certane day bypast bringand with hir the foirsaid obligatioun, decreit foirsaid of the said lords interponit yrto with hir assignatioun and lrs raisit yrupoun to have bene sein and considderit be the Lords and to have hard and sein the samen effect yrof and proces of horning contenit yrintil bene simpliciter suspendit upoun the complener in tyme cuming for the causes foirsaid as at mair lenth is contenit in the said lrs

persewar comperand be mrs thomas craig and Jon nicolsoun
maistress margaret defender comperand be mrs John scharpe and Jamnes donaldsoun

the lords finds the lrs purchast be the said maistress margaret hammiltoun defender agains george heriot persewar in the said mater to be ordourlie proceidit, to be put to furder executioun notwithstanding the reassouns anent the lrs of suspensioun and ordanes lrs to be direct upoun ane simple charge of 6 days to charge george heriot persewar to pay maistress margaret hammiltoun defender 10 merks sustenit be hir in defence of the said actioun and 40 schillings payit be hir to the collector

CS7/186/354r (Maistress Margaret Hammiltoun c Heriot)

[from Register]

... makand mentioun quhair umquhile Mr david cunninghame bischop of dunkeld of aberdene[sic] be his lrs obligatour subscryvit with his hand 12 mai last grantit him to have borrowit and receavit in his wretne ressaite the sowme of 700 merks qlk sowme Mr david band him to have payit to the persewar[George cunningham golsmith burgess of the Cannongate]day bygane, lyk as for the mair sure payment of the same sowme to him the said umquhile Mr david than deliverit to him ane golden cheinyie of 21 unces and thrie quaters unces with special libertie to him to sell and dispone the same according to the reat of the unce for the tyme and to pay himself the reddiest of the prices yrof and to refund the superplus gif ony wer to the said umquhile Mr david cunninghame as in the obligatioun is contenit ...

CS7/192/235v (Cunninghame c L Conilands)

APPENDIX III

Advocates and numbers of appearances in court for ministers,
parsons, vicars, provosts

Aytoun 1 ; Balfour 8 ; Blinsele 6 ; Broun 1 ; Cockburn 3 ; Colt 4 ;
Craig 10 ; Dempster 3 ; Donaldson 5 ; Gray 1 ; Haliday 2 ; King,
Alexander 8 ; King, James 2 ; Learmonth 14 ; Linton 6 ; McGill 2 ;
Mar 1 ; Mawer 2 ; Moncreiff 1 ; Nicolson, John 35 ; Nicolson, Thomas
31 ; Oliphant 8 ; Peebles 4 ; Rollock 1 ; Russell 2 ; Shairp 1 ;
Spens 9 ; Stirling 5 ; Tennent 1 ; Wilson 3 [Total 30 different
advocates]

possible party litigants 9

ministers not compearing when defending 25

[from Warrants and Decreets]

PATRIK Erle of Orknay lord zetland etc. undowtit patrone of all benifices wtin ye dyocie of orknay to the commissioner wtin ye bounds of ye said dyocie greating

wit ye us being informed of ye qualificatioun literature and gude conversatioun of or lovit Mr robert ekling and of his ernist affectioun to travell in ye office of ane minister wtin ye kirk of god thairfoir to have nominat and presentit and be ye tennor heirof nominats and pntis. the said Mr robert in and to ye personage of orphair and the vicarages of stanehous and firth(?)with pendicles and pertinents yrof quhatsumevir fruttis rentis teinds teindscheaves emoliaments dewties lands mansses and gleibis perteneing or yt richteouslie is knawin to pertene thairto during all ye dayis of his lyftyme lyand wtin ye dyocie of orknay and syrefdome of ye samen now vacand in or hands as undowtit patrone yrof be ye deceis of umqll. hary colvill last persoun and possessor of ye samen

Requyreing yrfoir yow the said commissioner to try and examinat the qualificatioun litreature and conversatioun of ye said Mr robert and gif he be fundin abill to use ye said office of ane minister wtin ye kirk of god that ye admit him to ye saidis personage and vicarages resave ye confessioun of his faith his aith for acknowlegeing and recognoscing of or soverane lord and his matie. autoritie and dew obedience to his ordinance

AND in caice of his insufficiencie for ye said office that ye report the same to us wtin the spaice of ane moneth nixt heireftir that ane uyer mair qualifeit persoun may be of new nominat and pntit. to ye said benifice

Gevin under or signet and subscrivit wt or hand at edr. ye saxt day of august the yeir of god Mvct foirscoir sextein yeiris.

Commisser

(signed)orknay

CS15/77/77 (Earl of Orknay c Morrisoun)

[from Warrants and Decrees]

At Edinburgh the saxtene day of august the yeir of god Mvct forscoir saxtene yeiris Maister Robert ekling past to ye personall presens of maister robert pont commissioner of orknay and thair presentit hym thir lres following

PATRIK erle of orknay lord zetland and undoubtit patroun of all benefices within the diocie of orknay, to the commissioner within the bounds of the said diocye GRETING

WIT YE US being informit of the qualificatioun litrature and gude conversatioun of or lovit Mr robert heclein and of his earnest affectioun to travell in the office of ane minister in the kirk of god THAIRFOIR to have nominat and presentit and be ye tenor heirof nominatis and presentis the said Mr robert ekling in and to the personage of orphair and vicarage of stanehou and friethe [=Firth] with pendicles and pertinents yrof quhatsumevir fruittis rentis teindis teind scheaves emolumentis dewties landis mansses and gleibis pertening or that rychteouslie is knawin to pertain thairto **during all the dayes of his lyvetye** lyand wtin the diocye of orknay and syrefdome of ye samen

REQUIRING yow the said commissioner to try and examinat the qualificatioun literature and conversatioun of ye said Mr robert ekling and gif he be found able to use the said office of ane minister within the kirk of god yat ye admit him to ye said personage and vicarages ressave the confessioun of his faith his aith for acknowlegeing and recognoscing of or soverane lord and his maties. authoritie and dew obedience to his ordiner and in caiss of his insufficiencie to the said office that he report ye samen to us within ye space of ane moneth nixt heirefter that ane uther mair qualifeit persoun may be of new nominat and pntit. to the said benefice

gevin under or signet and subscryvit with or hand at edinburgh the sext day of august the yeir of god Mvct fourscoir sextein yeiris sic subscribitur ... qulkis lres. of presentatioun dewlie pntit. to the said Mr robert pont commissioner of orknay and glaidlie with reverence in ye said nobill lordis name ressavit and acceptit the said Mr robert ekling in that place of ye defunct abovewrittin as his best belovit in chryst seing he is be ye said nobill lord the first pntare. lauchfull and he acknowlegeing the said Mr robertis presentatioun first presentir lauchfull and the enterant to be of gude appeirance to discharge himself dewtifullie of his functioun, hes remittit himself for a seaseone to his studies untill he wer agane callit upoun Assuring ye said enterant that na uyir presentatioun past or to be past suld preiudge him

PROVYDING he wer present and reddy to compeir upoun ye said commissioneris nixt adveictsiment(?) and premonitioun

QUHAIRUPOUN wt all humilitie the said Mr robert ekling upoun the gentill and maist honorable confessioun declaratioun and in hoip of his gude acceptatioun and cuir foirsaid requyrit and tuke instrumentis in my hand noter publicus following

THIS wes done in ye saids commissioneris duelling hous at the kirk callit sanct cuthbertis kirk besyde edinburgh at four hors eftir none or yrby day yeir and place foirsaidis Befoir ye witnesses Johnne brand minister at halirudhous James brand his sone and willame layng writtar aufferins(=taking away) the samen

Ita est William Layng norius publicus in premisses
requisitus teste manu mea propria(sign for W.S.)

CS15/77/77 Earl of Orknay c Morrisoun)

Apud hammiltoun in presbiterie eiusdem sexto decembris anno salutis humane 1599 sedentibus praefati presbiterii ministris omnibus

Quhilk day comperit personalie Mr Johnne mureheid minister at hammiltoun and produceit iudicialie befoir ye moderator and bretherine of ye presbiterie foirsaid ane presentation of all and hale the vicaredge principale and pensionarie of ye colledge kirk of hammiltoun within the boundis of ye parochin yrof with all lands aikers tenements mansses housses biggings yairdes annuells small teinds profites emoluments dewties and uthres things quhatsumever pertening yrto within ye said parochin sumtyme callit the provestrie of hammiltoun vacand throw decease of umqle gavin hammiltoun last provest and possessor thairof, and thairfoir gevin and disponit to the said Mr Johnne be ane mightie lord James earl of arrane undowtit patrone of ye colledge kirk foirsaid with consent and assent of ane noble lord Johnne lord hammiltoun his brother lawfull tutor administrator and gydar to him for his enteres

REQUIREING ye moderator and bretherine of ye presbiterie foirsaid to resave and admit the said Mr Johnne in and to ye said vicaredge prinll. and pensionarie within ye bounds foirsaid and to graunt him collatioun and institioun yrupoun and gevand lykwayis grantand and committand to (BLANK) and ilk ane of yame coniunctlie and severalie full power and commissioun to give actuale reale and corporale possessioun and institioun to ye said Mr Johnne of all and hale ye said vicaredge prinll. and pensionarie within ye bounds foirsaid with ye pertinents yrof as the said presentation of ye date at hammiltoun and braidvik in arrane the fyft and auchtenit dayis of december Mvct foirscoir sevintene yeirs under ye subscriptiounis manuale of ye said patrone and his said tutor for his enteres and in taiken of his consent in the self mair fullie proports

Efter presentation quhairof, the said Mr Johnne desyred the said presbiterie to ordane institioun to be gevin him of the said vicaredge prinll. and pensionarie with ye pertinents and ane of yair number to be appoyntit be yame to yat effect

QUHILK desyre the presbiterie foirsaid thocht ressonall and thairfoir ordanit institutioun and collatioun of ye said vicaredge prinll. and pensionarie with ye pertinents to be given him conforme to ye tenor of ye said presentation of ye date foirsaid appoynting as be ye tenor heiroy thay appoynt (BLANK) thair verie lawfull and undowtit commissionare to the effect abovewrittin

GEVAND GRANTAND AND COMMITTAND to him thair commissionare foirsaid thair full power thairto in maist ample forme to do as said is quhairupoun the said Mr Johnne askit actis extract furth of ye bukes of ye presbiterie foirsaid be me Mr Johnne sangster scribe thairto witness my handwritt and subscriptioun manuale

Mr Johnne sangster scribe to the
presbiterie of hammiltoun

CS15/77/82 (Mureheid c hammiltoun)

DEPRIVATION OF WILLIAM MCQUEIN

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[from Register]

[from an action pursued by John Monro subdean of Ross in whose prejudice the tacks and assedations of teind sheaves were made]

...all the taks were made efter umgle william mcquein was orderlie depyvit not onlie for non residence at the parochie kirkis of tayne and eddertayne and nonexecution of his ministrie yrat Bot als for divers sklanderis that wer raisit upoun him for adulterie and airt and pairt of sundrie horribill murther and uther abominabill faultis tryit upoun him he comperit in the said proces of deprivioun Als umgle wam mcquein was nevir admittit, laullie ressavit be the presbitrie of the chanonrie of ross or be umgle Mr alexander hepburne than bischope of ross ordiner for the tyme bot was intrudit be the menis of lachlane mcintosche of drummachtane cheiff of the clanchattane, the said william mcquein being his frend dependar and ane of the clan, and upoun guid tryell wald nevir haif bene worthie to haif bein provydit to the said subdenerie and he being maist justlie depyvit be ye laws, acts of parliament and constitution of this realme, he be vertew of the said sentence of depyvioun tynt and amittit all richt that he nicht haif or pretend to the said benefice of the subdenerie of ross, parochie of tayne and eddertayne wt fruitis etc emolumentis and fra the ministrie, and fra the benefice qlk immediatelie efter the said sentence brukit in sic sort as thairefter the said umgle william was not abill to set the foirsaid taks and assedatiounis, and if onie taks are allegit to haif bein set befor the sentence, the same is fals and the soverane lords advocat and Mr johne monro offers thame to improve the samen

CS7/187/405v(Mr Johne Monro c the Takismen of Ross)

[from Register]

... the lords gifs full power and commissioun to patrik murray of fallahillll syref of ye forrest and Mr patrik schaw minister of selkirk coniunctlie to tak ye depositioun of James wilkein burges of selkirk anent ye preving of ye points of ye said summonsds ony day or days betuix ye 25th and last dayis of august nixt to cum and as he depons in ye said mater ordanes yame to caus put ye samen in wreitt, subscriye ye samen with yr hands and clois it with yr stamp, and ordanes yame to tak ye said James wilkeinis aith to leilie and trewlie depone in ye said mater and yat he hes gevin na partiall counsal yrin

and assignis to robert scott 5 november nixt to report ye said depositioun of James wilkein dewlie closit in presens of ye saids lords sua that yrefter the lords may proceed ...

CS7/191/223v(Scott c Bryding)

[from Register]

...the lords admits the ressones with the eik to the defenders probatioun and assigns the 7 day of februar and ordanes thame to summond witnesses and produce writs and becaus sundrie of ye witnesses quhlk the compleners will be sein in the said matter ar aigit and diseasit persones and sua ar not abill to travel and to compeir pllie befoir the lords to depone yrintil thairfoir the lords hes gevin and grantit full power and commissioun to mr alexander douglas minister at elgin and mark mawer of spynie commisser of murray coniunctlie wt ane clerk to be chosin be thame to examinat sic persones the foirsaid ressonne and eik as the compleners will use for proving yrof and to that effect assigns to thame as also the saids pairteis ony day betuix this and the ferd day of februar nixt and ordanes the depositiounis of the witnesses to be ressavit and examinat in the said matter dewlie writtin and subscriyvit be the saids iudges and yairfoir to be dewlie closit and reportit in presense of the lords the 7 day of februar ... the pairteis ar warnit *apud acta*

CS7/185/67v(Toun of Elgin c Collector)

[from Register]

Mr william glass allegeing him to be laulie provydit be gift and dispositioun of or soverane of that benefice of litell dunkeld ... compeirand be Mrs wam oliphant and thomas nicolsoun qha declarit that he charges the persewar dame agnes sinclair countess of erroll and alexander gordoun of strathowie now hir spous for his entres to pay the vicarage teinds of 1598[as follows]

6 lambs as teind of 60 lambs qlk dame agnes and hir spous had on the lands of inschetuthill price of ilk orheid 13s 4d
12 fleisses of woll price of ilk 20s
6 stane of cheis as teind cheis of 18 soumes of milk guidis price of the stane 40s
ane teind stirk 40s
ane teind guis 10s
10 gryses[=sucking pig] as teind gryses of 5 litters of 2 brod swyne price of ilk gryse 10s
6 salmond fische as teind of salmound fischings of inschetuthill upoun water of tay price of ilk fische 26s 8d
togedder wt 10s as for teinds of the lint hemp eggis and uyr small teinds of reidgall pertening to the vicarage

after witnesses for proving the prices of the liquidatioun the lords finds the lrs of horning orderlie proceidit qll the said dame agnes and hir spous content and pay to Mr william glass

the teind of 30 lambs extending to 3 lambs at 13s 4d
12 fleisses at 10s
2 stane teind cheis at 32s
6 salmoun at 10s togedder wt 16s teind of yt pairt of reidgall occupeit be dame agnes and hir spous

CS7/190/160v(Mr William Glass c Lady Erroll)

[from Register]

... the lords ordanes lrs to be direct in all four formes at the persewaris instance[Mr Alexander Youngsoun, minister at Durris]in all the four formes and ilk forme to be execut efter uyris within 48 hors and the warding place to be in the castel of dunbartane in cais of disobedience, charging all the defenders parochiners that they nor nane of thame tak upoun hand to collect leid or intromet with ony of the saids teind scheves teinds fruits etc of durris crop 1600 and yeirlie in tyme cuming without his special licence tak ryt or tolerance had and obtenit yrupoun, to mak payment to the persewar his factor servands and to nane uyr of the teind scheves etc and not to remove thair corns off the ground and also that they mak laul premonitioun to the persewar and ceis fra all stop truble or impediments making to thame conforme to the tenor of the persewaris provisioun

CS7/192/52r (Youngsoun c Parochiners of Durris)

[from Warrants and Decrees]

... shown be Mr william murray minister at craill that quhair the provost bailleis and counsall of or said burt having disponit to thame and yair successors be or infetment under ye greit seill the prebendareis chaplainreis and commouns of ye college kirk situat within or said burt of craill and that for sustentatioun of ye said kirk

understanding his literatoure and zeall to travell in ye ministrie at ye said kirk lyk as he presentlie travells and hes travellit yir divers yeirs bygane

thairfoir they have given grantit and disponit to the said complener[Mr William Murray]all and sundrie the forenamit prebendareis chaplainreis and commouns for all the days that he travells in ye ministrie at ye said kirk ...

CS15/78/54 (Murray c Parochiners of Crail)

[from Register]

qlk day in the actioun and caus persewit at the instance of the proveist bailleis counsall and communitie of the burt of edinburt agaisn ser george home of wedderburne knyt his hienes comptrollar for ye tyme and his deputs

makand mentioun qr ser george home burdingis and chargis the saids compleneris be vertew of ane extract furth of the buiks of responde with the payment of the sowme of £5 7s 6d for the few ferme of all and haill the ruinous and wast tenement of land bak and foir under and above yaird and pertinentis yrof lyand within the burt of edinburt allegit being in his hienes hands be ye space of tua yeirs and ane terme thairby preceeding 11 Junii and of his hienes regne ye 30 year

for not taking of seasing for £4 6s 8d for ye doubling of ye few males of ye said tenement qlk wes held of befoir of the bischope of glasgow and of or soverane lord be ressoun of ye act of annexatioun be geving of seasing to Mr robert boyd thairof

and als with the sowme of thriescoir ellevin pundis for ane tenement of land under and above lyand within the said burt as allegit being in his maties hands be ye space of tua year preceeding ye 25 Junii and of his hienes regne the 26 year

and with the sowme of ane hundreth tuentie fortie tua[sic]punds for dowbling of ye few maills yrof dew to his grace be seasing given to william chalmeris of yat ilk

and for allegit not payment of the foirsaidis sowmes myndis to caus denunce the compleneris to ye horne and als to poind and distreinzie yrfor maist wrangouslie howbeit it be of veritie that or said soverane lordis darrest mother of guid memorie for certane guid and godlie causes moving hir grace

viz sustentatioun of ye ministrie, intertennment of scholles collegis hospitalls infantis pure and miserable persones, in the monethe of[BLANK], yeir 1566 efter his grace perfyte age compleit gave grantit and disponit to the said compleners and yr successors for evir all and sundrie lands silver bell silver and uyris qtsumevir qlks pertent to qtsumevir bischope abbot pryor parsonne proveist prebendar chaplane foundit and lyand within the said burt libertie and fredome yrof or awand furt of said burt and tenementis yrof to qtsumevir benefice persones as in ye infetment grantit to the said compleners grupoun under the greit seill at mair lenth is contenit qlk hes continuellie sen ye granting yrof tane effect be possessioun in yair persounes lyk as or said soverane lords respecting and regarding the samyn infetment and godlie causes qrfoir the samen was grantit with speciall exceptiouns as in ye act of annexatioun concludit in his hienes parliament haldin in Julii 1587 be ye qlk the haill kitklands within this realme ar annext to his maties croune

qlks exceptiouns maid in the compleners favors beiris and contens as efter followis

exceptand in lyk maner all and sundrie lands profeits tenementis annuelrents teind scheves and uyris commoditeis qtsumevir gevin grantit and disponit for intertenement of maisteris and studentis in collegis erectit for exerce and leirning and for gramur schuillis and for sustentatioun of ministeris within borrowis makand yair residence qr thair is na uyr stipend appointit to thame

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and siclyk exceptand and reservand all landis tenementis profeittis annuelrentis & commoditeis qtsumevir grantit befoir ye dait of ye said act of annexatioun be his matie or qtsumevir his hienes predecessors or be qtsumevir uyr persones to qtsumevir hospitall or messindew within this realme and that in favors of the pure and neddie

and siclyk or said soverane lord be ane speciall act maid in ye saidis compleneris favors in his grate parliament haldin in the monethe of Junii 1592 with avise of his hienes estaitis thairin contenit ratifeit and approvit ye donatiounes and mortificatiounes maid be his mateis umgle darrest mother and be his hienes selff at dyvers tymes of ye lands tenementis benefitis and rentis doittit for sustentatioun of ye ministrie within ye burt of edinburt and interteneing of ye hospitallis thairof and speciallie of annuellis of ye landis and tenementis lyand wtin ye syrefdome of ye said burt annexit to ony benefice prebendrie or religious place situat and lyand outwt ye libertie of ye said burt

and lykwayis his matie for the pitiefull zeall he had to the sustening of ye hospitallis and ministrie wtin the said burt annexit to ye commutie yrof and yr successors in favors of ye ministrie & hospitall all and haill ye sds landis tenementis and annuelrentis profeitis and emolumentis foirsaidis few maillis fermes & dewteis yrof & surrogat ye saids compleneris in ye full ryt of all landis anuelrentis & emolumentis situat within ye fredome of ye samyn burt qlkis pertenit of befoir to qtsumevir bischop abbot pryor or qtsumevir ecclesiasticall persone wtin this realme

and for that godlie effect desolvit ye generall annexatioun in that pairt in sa far as ye samyn may appeir to be extendit to ony pairt of ye commissers

and lykwayis declairit that the saids compleneris and yr successors in all tyme cuming had and sould have full ryt of propertie & superioritie of ye landis and utheris abovereheris as had ye bischopis abbotis as in the said act of parliamennt and dyvers ratificatiounis past in parliament thairupone sensyne is at mair lenth contenit

Be ye qlkis infeftmentis exceptiounis mentionat in ye act of annexatioun ratificatione & approbationes of his hienes donationes & mortificationes & uyris rytis reptlie foirsaidis establischt in ye saidis persewaris persones they have undoutit ryt to the landis and tenementis abovementionat propertie & superioritie of ye samyn few maillis & dowbling yrof & hes just caus of retensioun of ye samyn in thair handis be ye speciall & godlie use befoir writtin

and consequentlie ye saids persewaris ar wrangouslie chargit & burdenit be ye said lord comptrollar & his deputs for payment yrof and thairfoir the extract of ye said buik of responde beirand & contenand as is abovewrittin & all executioun of horning & poinding that may follow aganes the saids compleneris yrupone aucht and sould be simpliciter suspendit upone the saids bailleis counsall and communitie in tyme cuming lykas at mair lenth is contenit in ye said supplicatioun

comperit ye saids proveist bailleis counsall & communitie of ye said burt of edinburt be Mrs Jon scharpe and willliam oliphant yair prors and also comperit Mr thomas nicolsoun as pror for his hienes collector

and allegit that notwithstanding ye ressone abovewrittin that the saids lres aut to be fund ordorlie proceidit for ye few dewteis of ye tenementis foirsaidis & utheris dewteis abovewrittin becaus geveand that or said soverane lord his umgle darrest mother had gevin & grantit ye foirsaidis dispositiones be infeftmentis of mortificatioun or uyr wayis of ye saids few dewteis lands tenementis & uyris abovewrittin yit ye saids complenaris sen yr infeftmentis

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rytis and mortificatiounes gevin as said is hes preiudgit thame selffis in sa far as yr baillie hes gevin seasing to James boyd of ye kippis fayer to ye said Mr rot boyd of ye tenement of land callit ye bischope of glasgowis landis haldin of or soverane lord as also in sa far as they have servit and restourit william chalmeris sone to umqle Mr david chalmer narrest and lautfull air to him in ye tenement of land callit ye colledge of creichtones landis haldin siclyke of or said soverane lord

and sua haveing preiudgit thame selffis sen yr said infeftment and mortificatiounes ye retourit dewtie of bayt ye saids tenementis of land mon pertene of all necessitie to ye said collector

to the qlk it was anserit and replyit for ye pairt of ye saids compleneris that ye said alledgance aucht to be repellit in respect of ye ressoun of suspensioun abovewrittin and forder albeit ane of ye bailleis of ye said burt had gevin seasing of ye saids tenementis haldin of or soverane lord yit his deid could nevir preiudge ye haill burt

Secundlie it was allet for or said soverane lordis collector that his saids lres aut to be fund ordorlie proceidit notwtstnsding ye saids infeftmentis and mortificatiounes contenit in ye said ressoun of suspensioun becaus or said soverane lord umqle darrest mother culd nevir have grantit the saids infeftmentis & dispositiounes to ye said burt of edinburt of ye saids few dewteis annnnelrentis anniversaries & uyeris abovewrittin except ye haill kirklands within this realme had bene annexit to ye crone

and trew it is that befoir ye granting of ye saids infeftmentis yr was na annexatioun and sensyne in ye yeir of god 1587 yeiris be ane speciall act of parliament the haill kirklands within this realme ar speciallie annext to his hienes crowne and yrby ye saids infeftmentis grantit be his maiesteis darrest mother is tane away and consequentlie ye saidis few dewteis & uyris abovewrittin appertenis to or said soverane lordis collector

to the qlk it was anserit and replyit for ye pairt of ye saids complenaris that ye said alledgance aucht to be repellit in respect of ye foirsaid ressoun

attor ye saidis infeftmentis ar exceptit *per expressum* furth of ye said act of annexatioun lyk as in ye parliament haldin in ye yeir of god 1592 yeiris the samyn infeftmentis ar exceptit

Quhilkis tua alledgances maid yrto in fortificatioun of ye said ressoun being at lenth hard sene & considderit the Lords of counsall be sentence interloquitor hes repellit and repellis ye foirsaidis tua allegancis proponit be our soverane lordis collector in respect of ye said ressoun of suspensioun and anser abovewrittin maid for ye pairt of ye saids compleneris in fortificatioun of ye said ressoun

Grupone ye saids Mrs Jon scharpe and william oliphant prors foirsaidis askit instrumentis

CS7/185/318r(Proveist and Bailleis of Edinburt c Ser George Home Comptrollar)

FINANCES OF THE TOWN OF ELGIN

[from Register]

...or soverane lord for guid causes and guid consideratiouns moving his majestie hard that the commoun guid of the said burghe being small and not sufficient for sustening of the commoun burdeningis and chargis requisit and necessar effairis speciallie in the sustening of officiariis in the kirk under the minister with ane qualifeit persoun for instructing the yowth in lrs and guid airt, hes given grantit and disponit to the provost bailleis counsall and communitie of the said burghe and thair successors the foirsaid hospitall and preceptorie callit messindew foundit besyd the said burt and ryt of patronage of the samen with all and sundrie lands tenements annuelrents fermes profits emoluments and dewteis qtsumever pertening to the said hospitall grever the samen ly within this realme with power to thame and yr successors to give and grant the said preceptorie to qualifeit persones apt and abill to teich musick and uyr liberall airtis within the said burghe in tyme cuming and to input plaice and sustene sa mony pure in the hospitall foirsaid as wer specifeit in the foundatioun yrof as the charter and infetment maid and grantit to the compleners yrupoun 22 merche 1594 under his hiness grypt seill at mair lenth proports

CS7/186/365r (Toun of Elgin c Collector)

REDUCTION OF MINISTERS' STIPENDS PAID OUT OF THE FRUITS OF THE ABBEY
OF ARBROATH

[from Register]

in the actioun and caus persewit at the instance of ane nobill and
potent lord John marques of hammiltoun commendator of the abbay of
aberbrothok agains

- maister andro lamb minister at aberbrothok
- Mr david blak mr at abirlat
- Mr patrik lyndsay minister at sanct vigean
- Mr andro drummond mr at panbryde
- robert mauld reidar yr
- Jon fullertoun mr at innerkellor
- Mr alexander inglis minister at lwnan
- Mr Jon durhame mr at moniekie
- Mr william rait minister at maynes
- Mr henry duncane mr at murrhous
- Mr walter moresoun mr at garvok
- Mr robert boyd mr at newtyld
- Mr androw kynnynmouth mr at kermore
- Mr androw forbes mr at kirkcolm
- Mr Jon rig mr at dunnychinn
- Mr arthor futhie mr at kinnell
- samuel ramsay at glams
- Jon philp mr at forg
- Mr thomas howiesoun mr at innernes
- Mr Jon guthrie mr at innerboun
- Mr Jon murray mr at gamray
- william murray reider at lumglen
- Mr thomas gairdin mr at tarves
- Mr Jon James mr at fyvie
- stevin masoun mr at balhalvie
- James reid mr at banchorie
- robert lindsay mr at coull
- Mr Jon richie mr at nig
- Mr thomas baxter mr at dumbrig
- Mrs Jon craig and Jon duncansoun mrs in or soverane lords hous
- Mr walter balcanquell and Mr robert bruce mrs at edinburt

... makand mentioun quhair the noble and potent lord John marques of
hammiltoun commendator of the abbay of aberbrothok, persewar, is
naways oblist astrictit in ony forder furth of the fruits and rents
of the abbay ayer to ministeris or ony uyris nor the just thrid of
the samen accpording to the rentall yrof

viz
aucht hundreth thrie scoir four lib xii s viii d money
viii chalders xiii bolls iii firlots quheit
xxxix chalders vii bolls ii firlots 3pec 3 pt pec beir
vi chalders ii bolls iii firlots 1 pec 3 pt pec meill
nyne chalders iii bolls 3 pt boll ait is
viii barrells ii pt barrell salmond and tua pt barrell grils

nevertheles the commissiouneris deput for apportiouning of
ministeris stipends partlie upoun yr awin orsicht and pairtlie be
the inoportune sute of sum of the ministers hes given assignatiounes
furth of the said abbay of the quantiteis efter contenit extending
the said thrid in maner following

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to Mr thomas howesoun mr at innernes £100
 to Jon philp at forg £16 13s 4d and 8 bolls beir
 to Mr Jon guthrie at innerbony £96 and 4 bolls meil
 to Mr Jon murray mr at gemray 9 bolls meil
 to william murray reidar at lungley £16
 to Mr thomas gairdin mr at tarves 4 chalder 12 bolls 8 bolls meil
 to stevin masoun minister at belhelvie £49 3s 4d and 3 bolls meil
 to James reid mr at banchorie £73 19s and 4 bolls meil
 to the said robert lindsay mr at coull £24 3 bolls meil and 3 bolls
 beir
 to the said Mr Jon richie mr at nig £60 and 4 bolls meil
 to the said Mr walter moresoun mr at garvok £80 and 2 bolls beir
 to Mr Jammes melvill mr at aberbrothok 12 bolls quheit 4 chalders 4
 bolls 2 firlots beir 3 chalders 1 firlot 2 pecks meill 1 chalder 15
 bolls aitis
 to the said Mr patrik lindsay minister at sanct viggeane 6 bolls 1
 firlot quheit 2 chalders beir 3 chalders 10 bolls meill and 5 bolls
 aitis
 to Mr george gledstanes mr at aberlat 8 bolls quheit 2 chalders and
 1 boll beir
 3 chalders 8 bolls meill and 8 bolls aites
 to the said Mr androw drummond mr at painbryd 2 chalders 6 bolls
 beir and 3 chalders and 4 bolls meill
 to the said robert mauld reider yr 8 bolls meill
 to the said Mr Jon rig mr at dunnychin 3 chalders beir 4 chalders 12
 bolls meill 1 chalder 4 bolls aitis
 to the said Mr william rait mr at maynes 10 bolls beir and 4
 chalders 1 boll meill
 to the said Mr henry duncane mr at murhous[=Murroes] 2 chalders 7
 bolls meill and 1 chalder 6 bolls beir
 to the said Mr Jon durhame mr at monekie 2 chalders beir and 3
 chalders 8 bolls meilland 1 chalder aitis
 to the said Mr arthor futhie mr at kynnell 3 bolls 2 firlots quheit
 1 chalder meill 10 bolls beir and ane chalder 7 bolls aitis
 to the said Jon fullartoun mr at innerkelor 10 bolls quheit 4
 chalders beir and 3 chalders 15 bolls meill
 to the said Mr alexander inglis mr at lwnane 1 chalder 6 bolls beir
 and 3 chalders meill
 to the said Mr robert boyd mr at newtyld £64 12 bolls beir and 14
 bolls meill
 to david ramsay mr at alithe £10
 to the said Mr william forbes mr at kincoldrum £134 and 2 barrells
 salmond
 to the said samuell ramsay mr at glamis £100 and 1 chalder meill
 to the said Mr alexander kynnynmouth mr at keremure 2 chalders beir
 3 chalders meill and 1 chalder aitis
 to Mr robert hammiltoun mr at ruthven 14 bolls quheit 4 chalders 1
 boll beir and 1 chalder meill
 to the said Mr thomas baxter mr at dumbrig £33 6s 8d and 8 bolls
 meill
 to the said Mr Jon craig mr at his hienes hous 4 chalders 14 bolls 1
 firlot 2 pecks meill
 to the said Mr Jon duncansoun ane uyr mr at his hienes hous 5 bolls
 3 pt bolls beir and 7 chalders 8 bolls meill
 to umquhile Mr daniell chalmers reider at his hienes hous 2 chalders
 meill
 to the said Mr walter balcanquell mr at edinburt 1 chalder quheit
 and 8 bolls beir
 to the said robert bruce mr at the said burt of edinburt £170 4
 chalders 8 bolls 2 firlots quheit 11 chalders 1 boll 1 firlot beir
 and 5 chalders 2 firlots 2 pecks meill

the sowme of the money assignit to the ministers is ane thowsand
xxvii pundis xii s iiii d and sa is the thrid of the money yrof
superexpendit in the sowme of ane hundreth lxii lib xv s viii d

the sowme of the quheit assignit to the mrie is aucht chalders xiiii
bolls 1 firloft and sa is the thrid of the said quheit **superexpendit**
in the sowme of twa firlofts quheit

the sowme of the beir assignit to the ministrie is xliiii chalders
xiiii bolls 1 peck 3 pt peck and sa is the thrid of the beir yrof
superexpendit in the sowme of fyve chalders vi bolls 1 firloft ii
peks

the sowme of the meill assignit to the mrie is thrie scoir ten
chalders ten bolls 1 firloft ii peks and sa is the thrid of the said
meill **superexpendit** in the sowme of fourtene chalders sevin bolls ii
firlofts twa pt peck

qlks quantiteis and sowmes assignit to the saids ministers and
reiders was wranguslie upliftit be vertew of yair assignatiouns sax
or sevin yeirs preceding the crope Mvclxxxxvi yeirs in respect of
qlk abuse continuel to the persewaris damage in victual extending
the just thrid the complener was compellit to intent actioun befor
the lords of counsall agains all ministers and reidars to have hard
it declarit that the just thrid of the said abbay according to the
assumptioun extends onlie to ...[AS ABOVE]

thairfoir to have hard it declarit that the noble marques is not
astrictit in payment to the ministers or reidars or ony uyris of ony
forder nor the just thrid of the said abbay according to the
assumptioun yrof 1596 or in ony tyme cuming and to have hard the
lords commissiouners of parliament pnt and to cum dischargit of all
giving of assignatiouns and yair clarks pnt and to cum dischargit of
all buiking and extracting yrof to ony mrs or reidars 1596 or
yrefter

and to have hard it declarit to quhome the complener suld have
anserit of the just thrid and those not ordanit to be anserit to be
dischargit of forder trubling of the compleneris chalmerlane for the
said thrid and the said complener was willing that ordor suld be
takin for his dampnage be the said wrangous assignatiounes of 1596
and in tyme yrefter, declaring be his procurators that the said
abuse being reformit of 1596, the complener was not willing to
trouble the mrs for thair wrangeous intromissioun preceiding bot
that qlk thay had intromettit with suld abyde with thamselffs
thairefter, the matter being resolvit at verie greit lenth and all
the mrs and reidars to quhom the said assignatiounes wes maid
comperand the lords of counsall be yair decreit 3 merche 1597
declarit that the just thrid of the said abbay according to the
said assignatiounes extend to

auchthundreth lxxiilib xiis viiid money
aucht chalders xiii bolls iii firlofts quheit
xxxix chalders vii bolls ii firlofts iiipecks 3pt peck beir
lvi chalders ii bolls iii firlofts I peck 3pt peck meill
nyne chalders iii bolls 3 peck ait is
aucht barrells thrid pt barrell salmond and twa pt barrell grils

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declairing that the said complener his chamberlane factouris nor tenentis ar not astrictit in payment to the saids mrs or reiders or ony utheris quhatsumever of ony forder nor the foirsaid just thrid of the said abbay according to the assumptioun yroff abovewrittin of the said yeir lxxxxvi and in tyme cuming

and dischargit the saids lords commissiouneres of platt[=parliament] pnt and to cum simpliciter of all giving of assumptioun and that clarkes pnt and to cum of all buiking or extracting yroff to ony mrs or reiders of the samen yeir lxxxxvi nor yrefter or in tyme cuming of ony forder nor the said just thrid according to the particular assignatiounes yroff abovewrittin

and siclyk the saids lords of counsall suspendit all the saids mrs lres purchest be thame agains the said complener his chamberlanis factors and tenentis in his name simpliciter in sa far as thay ar chargeit for ony forder nor the said just thrid according to the particular assumptioun yroff abovewrittin as the said decreit schawin to the saids lords hes testifeit

and sa thay desydit the first pairt of the said complener his summonds

Thare restit for the secund pairt how the saids assignatiouns could be reducit to the said just thrid

thairin the contentioun and debait arraist betuix the saids ministeris amang thameselffs ane pairt of thame clamand ane prerogative be ressoun thay servit at the kirks of the said abbay ane uther pairt clamand ane prerogative be ressoun of the prioritie be thair assignatiounes and giftis given to thame for thair lyftymes be or soverane lord under his hienes privie seill and the ministers to quhome thar assignatiounes war given furt of the said thrid being sa great ane multitude and everie ane of thame pndand divers ressounes and argumentis, the matter being oftymes callit ressonit in the end of the winter sessioun the yeir of god foirsaid could not be gottin to ane poynt sa that the secund pairt of the said summonds stands undesydit not in default of the said complener bot throw the contentioun arrysing betuix saids ministers and everie ane of thame not respectand the said decreit qlk was alreddie givin nor the dependance of the secund pairt of the said summonds daylie charges tenentis and parochinars of the said abbay for the quantiteis assignit to thame under the pane of horning qlk not only will preiudge the saids tenentis and parochinares bot also is to the great hurt and skaith of the said nobill and potent marques

and anent the charge givin to the saids defenders to have comperit befor the lords of counsall at ane certane day bypast bringand with thame all thair lres charges and assignatiounes of the crope and yeir of god Mvclxxxxvii yeirs and to have hard and sene it bene declarit be decreit of the saidis Lordis of counsall how mekle sall be defalkit and defaisit of everie ane of thair assignatiounes above contenit of that yeir ilk ane of thame for yr awin pairtis qrby the samen haill assignatiounes may be reducit to the just thrid of the said abbay according to the rentall of the said assumptioun and decreit abovespecifeit givin yrupoun and ye lres charges and assignatiounes foirsaidis of the said yeir and in all tyme cuming ordanit onlie to be effectuall and to have executioun for that qlk sall rest to everie ane of thame for thair awin pairtis by the said defalcation and defaisance for the causses abovewrittin lyk as at mair lenth is contenit in the said matter

the said nobill and potent lord complener comperand be Mrs Jon scharpe and william oliphant his procurators quha past fra the persute of the said summons in sa far as the samen is persewit for ony defalcation of ony pairt of the said thrid of the foirsaid crope and yeir of god Mvclxxxxvi and xxxvii yeirs *pro loco et tempore*

and producit the extract of the assignatiounes maid to the ministeris foirsaidis furth of the rentall of the said abbay of aberbrothok subt be Mr thomas nicolsoun clark of the assignatiounes as also producit the foirsaid decreit of the dait the xvii day of Julii Mvclxxxxviii yeiris

and the haill persounes defenders being laullie summond it to this actioun oft tymes callit and not comperit

the lords of counsall [after sufficient tryell and consideratioun had be thame of the just thrid assumit furth of the foirsaid abbay of aberbrothok and quhat was the quantitie of silver and victual assignit to the mrs furth of the said thrid the foirsaid crope and yeir of god Mvclxxxxvii yeiris and quhat was the superexpensses yroff the samen yeir as also quhat is to be defalkit of everie ane of the saids mrs assignatiounes befoit the samen be maid agrie with the said just thrid according to the rental particular assignatiounes deductioun and defalcation givin unto thame be Mr thomas nicolsoun clark and keipar of the Register of the buiks of modificatioun of the mrs assignatiounes be vertew of ane ordinance and command givin be the saids lords to the said Mr thomas to that effect

thay fand the just thrid of the said abbay of aberbrothok to extend in money etc [AS ABOVE BUT MISSES OUT THE FISH] and that thair is assignit to the mrs out of the said thrid the said crope and yeir of god Mvclxxxxvi ane thowsand thriescoir four pundis xixs id money of quheit aucht chalders thretteine bolls iii firlots of beir xliiii chalders viii bolls ii firlots 3 pecks 3pt peck of meill threttie four chalders xiii bolls iii firlots ipeck 3pt peck

sa that the thrid is superexpendit in tua hundreth pundis twa schillinges fyve pennies in fyve chalders ane boll beir and in aucht chalders ellevin bolls meill *de claro*

qlks superexpensses abovewrittin the saids lords **deduceis defalkis and defaisis** of everie ane of the saids ministeris assignatiounes *pro rata* off the said crope and yeir of god Mvct fourscoir aughtene yeirs

viz

fra the said minister at innernes xviilib xvs ix
fra the said mr at forg iilib iis viid i peck beir
fra the said mr at innerbony xviilib iis vd i boll ipeck meill
fra the said mr at lungley iilib iis viid
fra the said mr at tarves ix lib ii firlots ii pecks meill
fra the said mr at balhelvy ixlib iiiis viiid i boll i peck meill
fra the said mr at banchrie xxxiilib xvis iiiid i boll i peck meill
fra the said mr at coull iiiilib xs iid iii firlots beir and i firlot ii pecks meill

fra the said mr at nig xilib vs vd i boll i peck meill
 fra the said mr at garvok xvlib is viid i firlot ii pecks beir
 fra the said mr at aberbrothok vlib ii firlots beir v bolls iii
 pecks meill
 fra the said minister at sanct vigeane thrie bolls ii firlots iii
 pecks beir vii bolls iii firlots meill
 fra the said mr at aberlat iiii bolls I firlot I peck beir vii bolls
 ii firlots meill
 fra the said mr at panbryde iiii bolls i firlot i peck beir vii
 bolls iiii firlots meill
 fra the reider yr i boll i peck meill
 fra the said mr at dunnnychtin v bolls ii firlots beir ix bolls ii
 pecks beir
 fra the said mr at innerkelor vii bolls I firlot beir vi bolls I
 firlot 3 pecks meill
 fra the said mr at maynes I boll ii pecks beir viii bolls iii
 firlots meill
 fra the said mr at mrhous ii bolls ii firlots beir fyve bolls I
 firlot meill
 fra the said mr at monekie iii bolls ii firlots iii pecks beir vii
 bolls ii firlots meill
 fra the said mr at newtyld ii bolls I firlot ii pecks beir I boll
 iii firlots ii peckks meill
 fra the said mr at kincaldrum xxvlib xvs viid
 fra the said mr at glamis xviii lib xd iiii bolls I firlot I peck
 meill
 fra the said mr at keremure iii bolls ii firlots iii pecks beir vi
 bolls I firlot iii pecks meill
 fra the said mr at ruthven xxxviis vid vii bolls I firlot beir ii
 bolls ii pecks meill
 fra the said mr at dunbrig vilib vs iiid ii bolls ii pecks meill
 fra the said mr at fyvie iii bolls i firlot iii pecks beir vi bolls
 I firlot iii pecks meill
 fra the said kingis reider iiii bolls i firlot i peck meill
 fra the said Mr Jon craig x bolls i firlot iii pecks meill
 fra the said Mr walter balcanquell I boll iii firlots I peck beir
 fra the said Mr robert bruce xxxi lib xviii s ix d I chalder ii
 bolls ii firlots beir x bolls iii firlots meill
 and fra the said mr at abirhirder I boll ii firlots ii pecks beir

qlks perticular sowmes of money and victuall abovewrittin being sa
 defalkit and deducit of everie ane of the saids mrs assignatiounes
 the saids lords **findis and declaris** that thair will rest to everie
 ane of the saids ministers for thair saids stipends out of the thrid
 of aberbrothok for the said crope and yeir of god Mvct fourscoir
 aughtene yeiris and in all tyme cuming as followis

viz

to the minister at innernes fourscoir ane punds iiiiis iiid
 to the mr at forg xiiilib xs ix d xiiii bolls iii pecks beir
 to the said mr at innerbony lxxixlib iiiiis iiid vi bolls iii
 firlots iii pecks meill
 to the said mr at gemray xv bolls ii firlots ii pecks meill
 to the reider at lungley xiilib xviis vd
 to the mr at tarves iii chalders xiiii bolls imfirlot ii pecks meill
 to the mr at banchorie ict xllib xiis ix d vi bolls iii firlots iii
 pecks meill
 to the mr at coull xixlib ix s xd v bolls I firlot beir ii bolls iii
 firlots iii pecks meill
 to the mr at garvok thriescoir four punds xviiiis vd iii bolls ii
 firlots ii pecks beir
 to the mr at aberbrothok xii bolls quheit ii chalders xi bolls beir
 ii chalders I boll ii firlots I peck meill

to the mr at sanct vigeane vi bolls I firlot quheit I chalder xii
 bolls I firlot I peck beir iii chalders ii bolls I firlot meill
 to the mr at aberlat viii bolls quheit ii chalders I boll ii firlots
 iii pecks beir iii chalders ii firlots meill
 to the mr at panbryde ii chalders I boll ii firlots iii pecks beir
 iii chalders ii bolls I firlot meill
 to the reider yr vi bolls iii firlots iii pecks meill
 to the mr at dunnichtin ii chalders x bolls ii firlots beir iii
 chalders x bolls iii firlots ii pecks meill
 to the mr at innerkelor xiii bolls quheit iii chalders viii bolls
 iii firlots beir ii chalders xiiii bolls ii firlots meill
 to the mr at lewnane I chalder iii bolls ii firlots beir ii chalders
 ix bolls ii firlots I peck meill
 to the mr at maynis viii bolls iii firlots ii pecks beir iii
 chalders viii bolls I firlot meill
 to the mr at mrhous I chalder iii bolls ii firlots beir ii chalders
 I boll iii firlots meill
 to the mr at monekie I chalder xii bolls I firlot I peck beir iii
 chalders ii firlots meill
 to the mr at newtyld ten bolls ii firlots ii pecks beir xii bolls ii
 pecks meill
 to the mr at kincoldrum ane hundreth aucht punds xvis vd
 to the mr at glamis lxxxilib iiiis iiid xi bolls ii firlots iii
 pecks meill
 to the mr at keremure I chalder xii bolls I firlot I peck beir ii
 chalders ix bolls ii firlots I peck meill
 to the mr at ruthven viiilib iis vid xiiii bolls quheit iii chalders
 ix bolls iii firlots beir xiii bolls iii firlots ii pecks meill
 to the mr at dunbug xxvilib Is vd xiii bolls iii firlots ii pecks
 meill
 to the minister at fyvie I chalder x bolls ii firlots I peck beir ii
 chalders ix bolls ii firlots I peck meill
 to the kingis reider I chalder xi bolls ii firlots iii pecks meill
 to the said Mr Jon craig his majesteis mr iiii chalders iii bolls ii
 firlots ii pecks 3pt peck meill
 to the said Mr walter balcanquell I chalder quheit xiiiiii bolls iii
 pecks beir
 to the said Mr robert bruce ane hundreth xxxviiiilib Is iid iiii
 chalders v bolls ii firlots quheit ix chalders ii firlots iii pecks
 3 pt peck beir iiii chalders v bolls I firlot meill
 and to the mr at abirchirdor xii bolls ii firlots ii pecks beir

summa of the money

aucht hundreth thriescoir four punds saxtene schillinges aucht
 penneis
 of quheit aucht chalders thretteine bollis thrie firlots
 of beir threttie nyne chalders sevin bolls twa firlots thrie peckis
 thrid pt peck
 of meill fiftie sax chalders tua bolls thrie firlots ane peck thrid
 pairt peck

qlks the said **lordis findis and declairis** to be the just thrid of
 the said abbay of aberbrothok and **thairfoir decernis and ordanes** the
 lres charges and assignatiounes of everie ane of the saids
 ministeris onlie to be effectual and to haif executioun off the
 foirsaid crope and yeir of god Mvct fourscoir aughtene yeiris
 fourscoir nyntene and in tyme cuming for the silver and victuall
 particularlie above writtin as the samen is deducit defaisit and
 calculat to the foirsaid just thrid allanerlie extending everie ane
 of thame to the particular quantitie above writtin and that of the

foirsaid crope and yeir of god Mvclxxxxviii yeiris and yeirlie in all tyme cuming

becaus the foirsaid haill persones defenders war laullie summondit to have comperit befor the lords of counsall at ane certane day bypast to have brocht and producit with thame all thair lres charges and assignatiounes of the said crope and yeir of god Mvclxxxxvii yeirs and to have hard and sene it bene declarit how mekle sould have bene defalkit and defaisit of everie ane of thair saids assignatiounes of that yeir ilk ane of thame for thair awin pairtis qrby the samen haill assignatiounes micht have bene reducit to the said just thrid of the said abbay according to the foirsaid rentall assumptioun and decreit abovespecifeit givin yrupon and thair lres charges and assignatiounes foirsaid of the said crope and yeir of god Mvclxxxxvii yeirs and in all tyme cuming onlie ordanit to be effectuell and to haif executioun for that qlk sall rest to everie ane of the saids ministeris for thair awin pairtis by the foirsaid defalcation and defaisance for the causes abovwrittin

and the foirsaid haill ministeris defenders abovwrittin being laullie summond to that effect and not comperand the saids lords for thair better informatioun in the said matter gave command to the said Mr thomas nicolsoun to extract draw furth and present befor thame the just deductioun of the foirsaid haill superexpensses of the thrid of the said abbacie als the samen was assignat to the saids ministeris Mvclxxxxvii

according to qlk ordinance the said Mr thomas nicolsoun haifing producit befor the lords the rentall of the just thrid of the said abbay with particular quantiteis assignit to everie ane of the saids ministeris Mvclxxxxvii qrby the said superexpensses micht be the mair perfytlie knawn be thame and how the same sould be defalkit off everie ane of the samen assignatiounes to the effect the samen assignatiounes micht have bene reducit the foirsaid just proportioun of the thrid of the said abbay and yrwith and with the points of the said summons the lords being ryplie advysit thay declarit as above

CS7/192/149v (L Hammiltoun c the Ministeris of Abirbrothok)

[from Register]

... the ministeris allege them to be appointit ministeris at the kirks foisaids for serving the cures yrat, to have assignit to thame in stipend the money and victual eftermentionat[of the benefit and priorie of Coldinghame]

Mr Jon ker at aberlady 2 chalders aits

Mr John home at aytoun £38 18s 8d; 1 chalder quheit; 1 chalder beir; 2 chalders aits

robert hislop at quhytstoun £26 13s 4d; 8 bolls quheit; 1 chalder 4 bolls beir; 4 chalders aitts

Mr alexander lumsden of fischeweik £26 13s 4d; 8 bolls quheit; 1 chalder 4 bolls beir; 4 chalders aits

Mr alexander watsoun at coldinghame £160; 8 bolls quheit; 2 chalders beir; 10 bolls aits

william corraill at elden £133 6s 8d

Mr andro arbuthnot at swynntoun 4 bolls quheit; 1 chalder 4 bolls beir; 1 chalder 8 bolls aits

Mr James frenche at home £28 13s 4d

Mr James dais minister at eisingtoun £120

Mr thomas porteous at ednam £80

Mr thomas bonar minister at auldcambes [no information given]

CS7/186/335r (Lady Home c Ministeris of Coldinghame)

135₁

ASSIGNATIONS AND GIFTS OF PENSIONS FROM THIRDS OF THE PRIORY OF ST
ANDREWS

[from Register]

Mr Johne Erskyn
Mr Robert Rynd[Longforgan]
Mr George Haitlie[Rossie]
Mr Alexander Scrymgeor
Mr James Yule[Dairsie]
Mr George Gledstanis StAndrews
Mr James Melvill[Kilrenny]
Mr Jon Kynneir[Leuchars]
Mr Allane Lamonthie[Scoonie]
Mr William Scott[Kennaway]
Mr Jon Wilko[Portmoak of Old Kirkness]
Mr James Young
Mr Duncane McGlegane
Mr Adame Mitchell[Cupar]
Mr William Cranstoun[Kettle of Old Lathrisk]
Mr James Pitcairne[Falkland]
Mr Alexander Forsyt[Abercrombie or St Monans]
Mr Robert Durie[Anstruther]
Mr Johnne Mitchelsone
Patrik Bonkill[minister of Fordoune]
Mr Robert Wilkie[St Leonards College]
Jon Rentoun[canon of StAndrews Priory]
Jon Storie
Patrik Kenloquhy
James Hay and -, his spous
Arthor Wod
Jon Barclay[Ruthven]
Mr Thomas Biggar[Kinghorn Easter]
Johnne Williamsone
Mr Alexander Jardane[Collessie]
Jon Roule
Jon Rentoun[sic]
William Orme
George Boisuell[Auchterderran; but died 1596]
Allane Dempstar
Mr Andrew Aytoun
Walter Keir[Laurencekirk]
Mr David Carmichell
David Oustiane
Mr David Russell
Alexander Glen
Jon Wylie
Mr Thomas Scot
John Wemis of Cuthilhill[Flisk]
Mr William Balfour[Orwell]
Andro Mauld
Mr Patrik Orme
Mr Andro Sandelands
Alexander Wod
Mr Robert Buchannan[Ceres]
Ser George Douglas
Mr George Douglas
Ser David Meldrumof Segie
James Lord Lindesay of ye Byris
Robert Barclay
- Home of Polwart

13b₂

Mr James Carmitchell
Mr Peter Young
Ser Patrik Murray
Alexander Lausone
Mr Thomas Craig
Kathrene Stewart, Umphray Cunninghame hir spous
Mr Gavin Hammiltoun
Daniell Hay
Robert Stewart
Walter Stewart of Seytoun
William StewartVarlet
Mr Thomas Nicolsone
Robert Barclay[sic]
Richard Thomsone
Mr Robert Cornewell
Robert Bruce of Pitlochrie
David Murray of Ardoch
Mr Johnne Russell
Mr Jon Spottiswod

[The names of parishes where ministers seem to have served in 1600
are shown in brackets.
The information is drawn from "Fasti"]

CS7/185/254v(L Duke of Lennox c Spens)

DESIGNATION OF GLEBE

111

[from Register]

... Mr Jon sangister minister at blantyre alleges that upoun 3 Junii 1596 Mr Jon howesoun minister at cambuslang and moderator for ye tyme of ye pesbitrie of hammiltoun past to ye kirk of blantyre and yair with ye consent of certane of ye parochiners yrof designit to him ye houses possesst be ye said gavin Jaksoun with ye peis of waist yaird lyand betuix ye said houses on ye south eist and ye said yaird dyk on ye nord eist bayt extending in lenth to 24 elnes and in breid to 5 elnes and ane half togeder with ye haill yairds extending in lenth to 41 elnes and in breid to 24 elnes nixt adiacent and pertening to ye saids houses and eird[=earth]foirsaid lyand betuix ye said kirkyaird on - and ye houses pertening to - arbuthilll on ye uyr pairt for ye said ministeris mans of blantyre

and immediatelie yrefter past to ye lands pertening to Jon conynghame , margaret duncane, margaret neisbit, william hammiltoun hir son, william hammiltoun of garvalcrost and James arbuthill and designit to ye said Mr Jon sangister for aikers of yair lands meithit merchit and pitit[=holes dug to mark a boundary]as followis

viz

beginnand at ye kirkyaird dyk on ye west distendand yairfra to ye said Jon conynghameis yaird dyk southeist to ye stane pitit in ye lone besyde ye said Jonis heid rigis on ye eist and ye uyr stane pitit at ye south pairt of ye saids aikers and ye other stane pitit at ye heid of ye saids rigis of ye saids aikers besyd ye rod leiding fra ye said kirk to ye ward[=small piece of pasture ground enclosed on all sides, suitable for small animals]on ye west pairt and merching north and north west to ye manss on ye north pairt and lyand within ye parochin of blantyre and syrefdome of lanerk

to remane with ye said Mr Jon sangister and his successors as his manss and gleib as ye said allegit pndit designatioun maid to him beirs

grupoun Mr Jon hes purchast lrs be delyverance of ye lords and causit charge ye persewar to flitt under pane of rebelloun maist wrangouslie be reasoun that be ye act of parliament grupoun ye said ministeris lrs proceidit at ye leist be ye act of parliament intitulat ye explanatioun of ye act maid anent mansses and gleibs qlk is ye 5th act of parliament hauldin at edinburt 26 Januar 1572, it is expreslie fundin and declarit yat ye mansses ayer pertening to ye parsoun or vicare maist ewest to ye kirk and maist commodious for dwelling pertene and sall pertene to ye minister ["and" scored out]or reider serving at ye samen kirk togedder with 4 aikers of land of ye gleib at ye leist lyand contigue and maist ewest to ye said mans gif yair be sua mekill as in ye said act is contenit

and trew it is yat ye manss of sic quha wair parsounis and vicaris of ye said parochie kirk of blantyre viz ye priors of blantyre titulars of yat benefice was not at ye said kirk nor ye pairt foirsaid now designat to Mr Jon for his manss bot be ye contrair ye said parsounis or vicaris manss was at ye craig of blantyre qlk is distant fra ye kirk be ye space of half ane myle or yrby

lyk as yair gleib land extendit to 20 aikers of arabill land and 10 aikers of gers and medowland or yrby furth of ye qlk ye said ministeris gleib aut to have bene designit nocht at ye said kirk bot maist ewest yair manss at ye samyn craig of blantyre qlk hes bene

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sua bruikit and possest as mans and gleib be ye parsouns and vicars
foirsaidis of ye said parochie kirk past memorie of man and aut now
alsua to have bene designit to Mr Jon according to ye expres words
and meaning of ye said act of parliament

...Mr Jon sangister pllie present with Mr thomas craig and Jon
haliday his preloquitors ...offers to preve that ye kirk of blantyre
was reput and haldin ane parochie kirk ten yeirs befor **ye**
alteratioun of ye religioun and yat yair was ane vicar resident at
ye said kirk quha dwelt upoun ye lands now designit for ye manss and
servit ye cure of ye said kirk be saying of mess and ministratioun
of ye sacramentis lyk as sen ye alteratioun of ye religioun ye samyn
hes bene estimat ane parochie kirk and ye haill parochiners hes
resorted to ye samyn to preiching and prayeris and ministratioun of
ye sacramentis

and als yair hes bene ministeris preiching reiding and ministring of
sacramentis continuellie sen ye alteratioun of ye religioun lyk as
ye said Mr Jon is pntlie minister yairat

and seing ye said manss now designit was ye vicaris manss of auld
quha servit ye cure of ye said kirk, the gleib maist ewaest to ye
samyn is weill designit to Mr Jon conforme to ye act of parliament
...

CS7/189/268r (Sangstare c Jaksoun)

[from Register]

...makand mentioun qr Mr alexander lumsden [minister at hutoun, defender]alleging that upoun the pndit designatioun following maid to him he obtenit lrs qrwrt he causit charge and intends to caus put ... Robert Bruntfeild in hutoun, complener to the horne for not removing fra ane aiker in hutoun as ane copie of the lrs shawin to the lords beirs wrangeouslie considering that Mr alexander suld possess ye gleib of the said kirk qlk pertenit to the vicar yrof of auld, presentlie possessit be george ker and was of auld sir Johne keris vicar of the kirk of hutoun extending to thrie aikeris of land callit vicaris gleib and as to the fourt aiker occupeit be him there is not ane questioun maid to Mr alexander yrof Bot he bruiks the samen at ye leist may bruik be his said designatioun at his plesor and sua quhair thair is ane gleib of ony kirk bruikit be quhatsumever persone or persones thay have na power to designe ony uyr manis lands to ye minister being na gleib lands and meikle les had thay power quha maid this designatioun to designe the said defenderis lands to ye minister or ony pairt yrof beand na gleib lands

Attor this designatioun is inordorlie past becaus tua of the maist substantius yomen men of the parochie hes not designit the samen Bot tua bas and mene men haffing neyer land nor heritage nor yit substantius*

and siclyk thair is sundrie kirklands lyand mair commodiouslie to the kirk and manses yrof nor lyis the said compleneris land qlk wes the vicaris manis haiffing yaird and all uyris kynd of necesseres yrto and sua the said pndit designatioun is inordorlie proceidit expres agains the act of parliament and thairfoir the saids lrs effect yrof and proces of horning suld be simpliciter suspendit upoun the complener

... eikit to the ressoun abovewrittin and allegit in fortificatioun yrof that the said ministeris lrs aut to be simpliciter suspendit for ye thrie aikeris designit to him pertening to the complener becaus he offers him to prove that the thrie aikeris qlk are occupeit be george ker war of auld past memorie of man ye vicaris lands quha servit ye cure at the kirk and wer bruikit be the vicars of the kirk of hutoun as thair gleib lands qlks thrie aikeris lyis also mair ewaest and nerrer to the manss pntlie designit to ye minister nor ye uyr thrie aikeris contenit in his said designatioun

*[=having means to build a house S.N.Dict.]

CS7/185/144v(Bruntfeild c Lumsden)

[from Register]

... makand mentioun that qr Mr James carmichaell minister at haddingtoun allegand that on 24 Januar 1598 daniel wallace moderator and commissioner of the presbitrie of haddingtoun accompanit wt certane persounes of the parochin designit to him 4 aikeris of the persewaris land of clerkingtoun lyand contigue togedder betuix the waters of tyne at the north and eist pairts and the persewaris lands of clerkingtoun on the south and west, merchit and measurit in maner specifeit in the said designatioun, to the use of Mr James carmichaell and his successors ministers serving or that sal happin to serve in the said kirk in the functioun of the ministrie hes purchast uyr lrs of horning and causit charge the persewar[James Cockburn of Clerkingtoun, Lord Privy Seal]to flit etc under paine of rebelloun and putting to the horn and intends to do the samen maist wrangously

because the said pndit lrs ar evill execut agains the persewar onlie upoun plane malice to draw the said persewar to trubil and expens and under sum inconvenience

because it is of veritie that be sundrie actis of parliament als weill maid in his maties dayis as in the dayis of his hienes maist nobill progenitors it is statut and ordanit that the designatiouns of gleibis to the ministeris or uyris serving the cure salbe designit of the persone vicar abbot or prioris lands nixt adiacent contigue the manss and failyeing yrof furth of the freiris lands or ony uyr kirklands lyand wtin the bounds of the paroche qr the ministres or uyr servand maks thair residence

and trew that sundrie lands[ar]haldin of the prior of sanct androis as parsoun of the said kirk of haddingtoun neirest adiacent to the manss designit nor the lands foirsaidis pertening to the persewar and designit to Mr James speciallie ane croft of land lyand contigue to the said kirkyaird dyke callit byris orcheard haldin of the prior of sanct androis as parsone of the parochin and siclyk 8 aikers of land occupeit be the proveist of haddingtoun thomas cokburne, qlk lands aucht to have bein designit to Mr James carmichaell and not the persewaris lands qlk ar far distant

CS&/190/124v(L Privie Seill c Carmichaell)

[from Register]

...Mr peter blaikburn minister and moderator at the burgh of aberdene at the command of of the brithering of the presbitrie yrof with the advyse of certane the parochiners of the kirk of banchrie devenick upoun 11 merche 1595 past to the compleneris lands of banchrie devenick extending as ane pleuch of land and designit to Mr robert merser minister at banchrie devenick ane mans and gleib furth of the saids lands

viz four buttis[=ridges or strips of ploughed land]commounlie callit sancter devenicks buttis lyand contigue to the kirkyaird dyke havand upoun the eist south ane yaird dyke, on the north manis tua lytle gvesthets[=a triangular piece of ground]lyand contigues to the pairt of the auld gleb callit the kirk croft on the eist, the lands of the said kirktown on the saids north and west pairtis and four buttis lyand contigue to the said auld kirk croft on the west pairt havand the lands of kirktown on the south north and west pairtis all being kirklands lyand nixt to the said kirk extending in the haill to - bolls sawing as ye designatioun maid yrupoun beirs

... be or soverane lords act of parliament it is speciallie provydit that qr ther has bene no gleb of auld or qr ther has bene sum of auld yit to be far wtin the quantitie of four aikers of land that the designatioun be maid out of parsoun vicar abbot or pryors lands and failyeing yrof out of the bischopis lands prioris lands or ony uyr kirk lands lyand wtin lands of the paroche ay and ql some aikers be compleit, be ye qlk act it is ordanit that befoir ony designat lands be maid out of the bischopis lands the parsoun vicar abbot or pryoris lands be first designat gif ony be wtin the said paroche

CS7/186/159r(Menzeis c Merser)

**TENANTS SEEKING SUSPENSION OF THE LETTERS OF HORNING CHARGING THEM
TO FLIT FROM LANDS DESIGNATED TO THE MINISTER OF INNERESK AS GLEBE**

[from Register]

... the lrs of horning [raised by Mr Andro Blakhall minister at Inneresk]suld be suspendit for the ressones following

in the first becaus the act of parliament maid anent designatioun of manses and glebis is expresslie restrictit to ye parsoun and vicaris gleibis and 4 aikers yrof gif thair be samekil allanerlie sua that quhair yr is ony parsoun or vicaris gleib wtin ony parochin, the samen aucht and sould be expreslie designit for ye ministeris gleib and trew it is that thair is ane vicaris gleib qlk pertenit of auld to ye vicars of inneresk and mussilburt lyand maist ewest to ye vicaris mans qlk mans is pntlie inhabit be Mr andro blakhall, bruikit and possest be ye vicaris of inneresk as thair gleib past memorie of man qrof ye first aiker contenit in ye said designatioun is ane special pairt qlk is bruikit and possest be Mr andro peciablle and continuellie sen his entrie to the said kirk and ye rest of his gleib lyand at ye bak of his awin mans is bruikit and possest be uyris tenentis indwellaris wtin the said toun of mussilburt qlk gleib beand the vicaris gleib of auld and beand acceptit be the said Mr andro be his entrie to ye possessioun of ane aiker yrof be ye space of divers yeiris bygane is immediatelie preceiding ye said pndit designatioun of **all equitie and ressoun** aucht and sould have bein designit for ye gleib of ye said kirk of inneresk and ye said 3 aikers of land pertening to the compleneris heritablle in few ferme as said is, is ane pairt of the lordschipe of ye abbacie of dunfermling, and nather being parsoun nor vicaris gleib, the samen culd naways have bene designit Bot ye designatioun being altogidder repugnant to ye said act of parliament is null in ye self and of nane avail

secundlie gevand and not grantand that ther had bene nather parsounis nor vicaris gleibis wtin ye said parochin, the contrair qrof is of veritie be ye reassoun immediatelie preceiding yit of all necessitie ye kirkland maist ewest to ye mans aut and sould have bene designit and it is of veritie that yr is na uyr kirkland interiectit betuix ye said vicaris mans pntlie occupeit and possest be Mr andro and ye said compleneris 3 aikeris of land contenit in ye said designatioun qlk lyis maist ewest and neirer to ye said mans nor ye said compleneris 3 aikeris of land swa that the said 3 aikeris not being maist ewest nor contigue adiacent to ye said mans ar maist wranguslie and expres against the tenor of the said act of parliament designit

thairfoir the said lrs of horning aut to be suspendit simpiciter in tyme cuming

[compleneris comperand be Mr Jon nicolsoun]

LAND DESIGNATED 'TO MR ANDRO BLAKHALL IN GLEIB'

... 4 aikeris of land designit to Mr andro blakhall in gleib viz ane aiker yrof lyand contigue to ye south syd of the kirkyaird dyk of inneresk betuix ye commonitie of inneresk on ye eist and south and ane daill[= portion]of land pertening to ye maling occupeit sumtyme be umqle Johne dowglas elder in inneresk on ye west pairtis and the uyr 3 aikeris lyand contigue fra ye northend of ye said first aiker to ye commoun streit yat passes fra newbigging of mussilburt boig

CS7/185/333v(Richardsone c Blakhall)

[from Register]

...comperit personallie william barclay with Mr Johne moncreif quha
producit the extract of ye lrs of horning rasit at the instance of
Mr william stirring parsone of aberfuill[?=Aberfoyle]and of lait
commissioner and visitor wtin the paroche of dunblane and stirring
and Mr Johne davidsoun minister at the kirk of murthell that thay
mak payment ilk ane of thame for yr awin pairtis of ye sowmes grunto
thay salbe stentit and taxt be ye kirknirs and collectors to be
chosin according to ye stent roll maid yrupoun for beilting and
reparing of the paroche kirk as the lrs beirs
grupoun mungo murray as ane of the parochiners is chargit to mak
payment of the sowme grunto he was stentit to the effect foirsaid
and upoun fyft februar 1596 the said mungo was denunciit rebel and
put to the horn for not payment of the sowme grunto he wes stentit
as[in]the lrs of horning, executiounis and indorsatiouns extractit
furth of the register buiks of ye hornings registrat in the
syrefdome of perthe under the signe and subscriptioun manuell of Mr
Johne skene clerk of register, keiper of the saids buiks

CS7/185/148v(Murray c Barclay)

[from Register]

...our soverane lord considdering the greit travellis sustenit be Mr patrick galloway, minister to our soverane lord in his continuall remanying and byding wt his matie by awating on his office of ministrie alsweill the tyme of his matie jurnaying throw the cuntreis as in pairtis and in places of his hienes residence swa that the pndit stipend assignit to him for his said service is not abill to sustene the said expenses wtout sum help be provydit for that effect, thairfoir and for the trew guid and thankful service done and to be done be the said complener to his hienes in his said office of ministrie wt advyse and consent of his trustie and weill belovit counsellor sir david murray of gospertie knyt his maties comptroller hes given, grantit and disponit to the complener, but preiudice of his said stipend, yeirlie during his lyftyme ane yeirlie pensioun of 10 chalder victual to be upliftit betuix yuill and candilmes of the reddiest of the tua pairt of the spiritualitie of the abbacie of scone, lands, kirks, teinds, teynd schevis, fruits, rents, emoluments, and uyr dewteis belanging yrto and for the compleneris mair suir payment yrof or soverane lord hes assignit to him in special the teynd scheves and uyr teyndis of cleyne, balgrie and cargill qlks are proper kirks of the said abbacie and pertene to the patrimonie yrof, syrefdome of perthe, qlk haill abbacie of scone now vaikes in his maties hands and ar at his maties gift as escheit throw the proces of doome of forfaltor ordorlie declarit agains John sumtyme erle of gowrie commendator of the abbay for certane crymes of treasoun and leismajestie laitlie committit be him for the qlks he was convict of in parliament

CS7/190/378v(Mr Patrik Galloway c Tenentis of Scone)

[from Warrants and Decrees]

... shown be Mr James gray advocat and maister of or chapell royall of striviling and als or commissioner for searsing[=sifting through] and trying of ye auld fundatioun of or chapell and how and to quhom ye rentis and leving of ye same is disponit and quha ar adettit in payment yrof, as in ye commissioun grantit to him yrupoun that quhair Mr malcolme merseer alledges him to be takisman of ye teyndis of creiff secundo quhilks ar pairt of ye patrimonie of ye said chapell royall, he under pretens of sum pndit taks intromets with the tenentis

thairfoir necessar it is to the complener to haif inspectioun of ye saids taks but he will onnaways exhibit ye samen

CS15/79/54 (Gray c Mersare)

[from Register]

anent the summons rasit at the instance of david werd, george wilsoun, george symsoun, and william blak tenentis and occupyaris of ye tua aikers and ane half of land following and heritable fewaris and possessors of the samen agains katherine greg, weddow in pettinweme, [BLANK] scot, petir borthvik, wam symsoun in anstruther eist, rot alexander yr, margaret derse yr, John thomsoun in anstruther wester, Johne fogo fleschor yr, rot richard yr, Johne irland of [BLANK], Jon broun yr, nicolas strang in pittenweme, george smyt yr, thomas watsoun in anstruther eister, ard thomas yr, Johne bowsie in anstruther wester, wam dairsie yr, george symsoun yr, alexander thomsoun yr, andro richardsoun yr, stevin mckiesoun yr, beatrix wallace, alexander mairtene of gibbestoun, Mr wam stewart commendator of pittenweyme and robert aytoun in lindiemyln to heir lrs of horning be direct simpliciter charging thame to skat[[?] stent and contribut amangis thameselffis for payment making to the persewars of the damage and valor of tua aikers and ane half aiker of land pertening to the saids compleneris and designit to Mr robert durie minister at anstruther in gleib or ellis to schaw ane ressonabill caus in the contrair

CS7/185/146v(Werd c Greg and Uyris)

APPENDIX IV

DEPOSITIONS OF WITNESSES PRODUCED BY JEAN FORBES AGAINST JAMES
FORBES FOR PROVING OF A REPLY IN AN ACTION FOR TWO THOWSAND MARKS

[from Warrants and Decreets]

apud edr 2 Julii 1600

alexander gordoun aige Liiiii yeirs, mareit
being examinat upoun ye aige of Jene forbes deponis that he knawis
perfytlie that Jene forbes persewar to be presentlie of the aige of
xxxiii yeiris *Reddens causam scientiae* becaus ye tyme of the
crabstane quhilk was sochin[?Sauchen] in auld ... the said Jeane was
the eldest of thrie bairnis gevin be his lord forbes upoun his first
wyff and it is sensyn xxx yeiris or yrby

[signed]J Edzell

James forbes of lithintie of xlviii yeirs, sworne, be his ayt de
calumnia upoun ye points of ye summons that his umquhile father
about ye tyme lit. gaiff to this deponar the sowme of twa thowsand
merkis to be usit to his behuiff and his bairns as he thocht
expedient and als declaris he hes just caus to deny the principal
reply contenit in ye first exceptioun and grants that Jeane forbes,
persewar, is xxxiii yeiris compleit becaus sche was ye eldest
dochter at ye crabstane and sche was the eldest and swa grants ye
last intendit reply to be of veritie

[signed]J Edzell

CS15/79/33 (Forbes c Forbes)

[from Register]

anent or soverane lords lrs purchast at the instance of katherine dowglas agains Jonet wilsoun in the cannongait

makand mentioun quhair the defender allegit upoun the 7 - sche obtenit ane decreit befoir the bailleis of edinburt for the tyme decerning the complener to pay to hir £6 and 10s money as sourtie for lawrence dittoun inglisman with 50s as sourtie for issobell gilbert as for the principal and 10s of expenses and that the said complener postponit to do the same and that yrupoun sche persewit and obtenit ane uyr decreit befoir the bailleis of the cannongait 14 Junii last decerning the complener as sourtie foirsaid to pay to hir the said sowmes principal and expenses togedder with 10s of new expenses extending orheid to ten pundis money as the extracts of the saids decreits schawin to the lords beirs wrangouslie considdering that gif the said dett war justlie cravett as it is not, yit it is ane great novaltie that the bailleis of the cannongait sulld interpone thair autoritie and give ane new decreit upoun the decreit of the proveist and bailleis of edinburt for ane dett and ane sowme seeing in rem iudicatam nemo possit iudicare

secundlie baith the decreits hes procedit upoun null defence for gif the said complener and hir said spous for his entres had bene laulie warnit to the giving thair of as thay wer never indeid thay wald have stayit all sic wrang proceding and in respect yrof thay wald be hard of all equitie now in this agains the executioun in respect the said lawrence dittoun for quhom the said Jonet wilsoun allegit the complener to have becum cautioner for the enterment of the said elizabeth gilbert and hir bairns with hir in fostering ressavit fra the said lawrence dittoun ten pundis money of this realme in name and behuif of thomas robesoun inglisman merchand in londoun qlk was deliverit be the said lawrence to the said elizabeth and that for interment with the said Jonet wilsoun

and reportit hir discharge yrupoun lang befoir ony of the saids twa decreits as the same beirs be inspectioun of ilk and the said Jonet wilsounis hail matter and dett for the qlk the complener becum cautioner and grupoun the saids twa decreits procedit was satisfieit of befoir be vertew of the said acquittance

na executioun can follow agains the complener for ony sic dett last of all for hir said housband and never callit for ony sik dett nor yit is his name contenit in ony of the saids decreits without quhom the complener could not stand in judgement he being *dominus rerum*

and sa the saids decreits mereits na executioun of the law and aucht and sulld be simpliciter suspendit

anent the charge to the defender to have comperit bringing with hir the twa pndit decreits and executorialis to have bene sein and to have hard the proces of horning yrin suspendit

the complener comperand be Mr thomas mawer

the lords finds the lrs purchast be the defender agains the complener ordorlie procedit and to have effect notwithstanding the reasouns abovewrittin contenit in the lrs of suspensioun and ordanes lrs to charge katherine dowglas upoun the charge of 6 days to pay to Jonet wilsoun 10 merks for expenses maid be hir in obteneing of the saod pnt decreit [no mention of 40s to Collector]

[from Register]

...there was ane contract and appointment at dumfreis 7 July 1571 betuix umquhile thomas newall and umquhile androw fergussonne in langdow father to marioun for himself and takand the burding upoun him for hir for the marriage than contractit and thereafter solemnizat betuix umquhile thomas newall and marioun be the qlk contract umquhile thomas oblist him befoir the completing of the marriage to infest marioun in hir virginitie be resignatioun in the hands of roger kirkpatrik of cloisburne in his lands of dalbatholme, parochie of dalgarnock, syrefdome of drumfreis qlk he had of the said laird under reversioun of the sowme of ane hundrethe pundis qlks lands or money the land being redemit is appointit to be bruikit be marioun for hir lyf tyme with profits, for qlk causes andro fergussonne oblist him to pay to umquhile thomas thrie hundreth merkis of tocher at divers tymes lang tyme bypast to the qlk tua hundreth pundis the said umquhile thomas band him to put ane uyr hundreth pundis of his awin propre guidis and to wair the said haill thrie hundreth pundis be consent and advyse of freinds upoun lands heritage stedings or taks to the utilitie and profit of thomas and marioun his spous the longest leifar and airs to be gottin, qlks failyeing the said thomas airs qtsumevir, to the keeping of qlk contract baith pairteis band thame thair airs executors and assignayis and albeit marriage followit and was solemnizat betuix umquhile thomas and the complener and that they leifat and dwelt togidder in mutuall conversatioun at bed and burde be ye space of mony yeirs and that thair was ane laul sone nevertheles thomas newall fulfillit not to the complener his pairt of the contract befoir his deceis Januar 1575 swa that sche was never infest in the lands of dalbatholme nor was the sowme of thrie hundreth pundis wairit upoun lands heritages etc to hir utilitie

CS7/186/131v(Newall c Fergussonne)

[from Warrants and Decrees]

My lordis comisseris of edr unto yor lls humlie menis & schawis yor lls intrix. katherene michelsoun that qr I am exerix dative decernit to umgle James Michelsoun als. baxter burges of kingorne my guidsy Be vertew qrof I have guid actioun to persew for all guidis geir and dettis pertening to ye said defunct the tyme of his deceis And trew it is that Jonet Ramsay his relict hes intromettit with certane guidis & geir cornes and cattell and utheris pertening to him the tyme of his deceis particularlie set downe as is efter specifeit viz. ane quarter of ane crear callit ye robert estimat to fyfe pundis ane quarter of ane boit callit ye raggis estimat to xx merkis ffourtie eln of lyning clayt pryce of ye ell xld summa vilib viiis iiid

Item yr wes awand to ye said umgle James michelsoun als. baxter be ye lady raith ye sowme of viiilib xiiis iiid

Item be James michelsoun als. baxter his brother ye sowme of vilib money

Item ye abulzementis of his body estimat to xxlib

Item for fedder beddis wt ye furneissing pryce of ilk fedder bed wt ye furneissing orheid xx mks

Item tua dossan pairis of scheitis half lyning half hardin pryce of ilk pair orheid iiilib

Item sax coveringis pryce yrof xiilib

Item sax pair of blancettis pryce yrof xiilib

Item half ane dossane of bousteris(=bolsters) pryce yrof vilib

Item tua dossane of coddess (=pillows)pryce yrof viiilib

Item ii dossane of plaitis pryce yrof xiilib

Item ii dossane tin trenschors pryce yrof orheid vilib

Item vi stoupis qrof tua quart tua schipes[perhaps scored out]stoupis pryce of ye said stoupis orheid vilib

Item sex pottis pryce yrof xiilib, sex pannes pryce yrof vilib, ane copper kettell pryce yrof iiiilib, ane wainscot burd and ane taffill(=worn out)burd pryce yrof orheid xlib, tua formes pryce yrof xiiis iiid, tua schyris(=chairs)pryce yrof xls, for standand fir beds pryce yrof iiiilib, ane woll quheill and ane lint quheill pryce yrof iiimks, ii dossane servietis pryce yrof iiiilib, sax lyning towells pryce yrof iiilib, for hardin towells pryce yrof xxs, ane dossane burd clayts pryce xiilib, sax kistis pryce yrof xiilib, ane chymlay pryce yrof vilib, ane veschell almerie pryce yrof xiiis iiid (INSERTED)Item ane quarter of ane boit callit ye candimes(?) pertening to ye said umgle James pryce yrof xxiilib

Qlkis ar desperat dettis and uncertane to be recoverit qrfoir necessar it is to me to have yor lls licence to persew thairfoir and qtevir I sall recover I sall confirme ye samen and pay ye quot yrfoir to yor lls thairfoir I beseik yor lls to grant me licence to persew ye said actioun Notwithstanding ye defunctis testament is nocht as yit confermit and quhatevir I recover thairof I sall conferme the samen and pay the quot yrof to yor lls(REPEATED) According to iustice And yor lls anser

CS15/78/85(Mitchelsoun & Stewart c Ramsay & Grot)

(ON THE OUTSIDE)

Apud Edr. quarto julii Mvict

The comisser grantis licence to yis complener to call and persew ye actioun & caus wtin speit. qll the last day of december nixtocum

Becaus Nicoll symoun cuik burges of edinburt is becum caur for yis ^{40m}
complener yt sche brang and ye said day sall obtene ye testament of
ye defunct dewlie confermit under ye pane of ten markis *excludente*
conmodo(?)scatactuam(?)

Mr A king

CS15/78/85(Michelsoun & Stewart c Ramsay & Grot)

APPOINTMENT OF EXECUTRIX DATIVE

45

[from Warrants and Decrees]

We maisteris Johne prestoun Johne nicolsoun Johne nicolsoun & thomas henrysoun commisser of Edr speciallie constitut for confirmatioun of tetamentis

understanding yt efter dew summons & lawfull warning maid be forme of edict oppinlie as efferis of ye executors and intromettors with ye guidis and geir of ye said umquhile James mitchelsoun and of uyeris haifand entres

to compeir iudicialie befoir us at ane certane day bypast to heir and sie executors datives decernit to be given admittit and confermit be us in and to ye guidis and geir quhilk iustlie pertent to him ye tyme of his deceis

Or ellis to schaw ane caus quhy etc and yat nene comperit we decernit ye procurator fischall of or said commisserie in executor dative to him

and yrefter at ye supplicatioun and desyre of ye said katherine mitchelsoun we have reponit and put hir in ye said fischallis place and yt with his consent as ane act of surrogatioun maid yrupoun beiris

conforme to ye quhilks we in or soverane lords name and auctoritie makis constitutis ordanis and confermis ye said katherine mitchelsone in executrix dative to ye said umquhile James mitchelsoun alias baxter hir fader with power to hir to intromet uptak follow and persew as law will ye guidis and geir abovespecifeit and to outred dettis to creditors and generalie all and sundrie thingis to do exerce and use yt to ye office of executrie dative is knawin to pertene provyding yt ye said katherine executrix foirsaid sall anser and rander compt upoun hir intromissioun quhen and quhair ye samyn salbe requyrit of hir and yt ye saids guidis salbe furthcumand to all pairteis haifand entres as law will

Quhairupoun adam findlasoun merchand burges of edinburt is becum cautioun for ye said executrix and for his said moder incais of hir intromissioun with ye defunctis guidis as ane act maid yrupoun beiris

In witnes quhairof be thir presentis subscrivit be mr edward marschell t clerk

ye seill of office of ye said commissrie is heirto affixt at edinburt ye xxv day of Januarii 1598

[signed] Mr eduard marschell

CS15/78/84 (Mitchelsoun and Stewart c Ramsay and Grot)

[from Register of Acts and Decrees]

anent ye mater advocat to ye lords persewit of befoir be ser mathow stewart of minto knyt, margaret stewart relict of umquhile Jon stewart of ardgowane and william wallace, executors testamentars confermit to ye guidis and geir of umquhile Jon agais James now lord ross and dame Jene hammiltoun, ladie ross his mother and tutrix testamentar for his entres befoir ye commiser of glasgow and his deputs to have hard and sein James now lord lord ross and air of umquhile rot lord ross his father quha was executor at ye leist intomettor with guidis and geir of umquhile dame Jene sempill his mother and his said tutrix for his entres decernit be decreit of ye said commiser to pay to ye said persewar 400 merkis and to have hard and seene siclyk executioun to be decernit agais thame for payment of ye said sowme as myt have bene grantit at ye instance of umquhile Jon stewart of ardgowane agais umquhile dame Jene sempill in caice thai war on lyfe, conforme to ye tenor of ane obligatioun maid be dame Jene sempill to ye said umquhile Jon stewart 27 october 1591 as contenit in ye commiseris precept and act of advocatioun raisit in ye said mater

sir mathow stewart of minto knyt, margaret and william wallaces, executors foirsaidis comperand be Mr alexander king quha gave in ye particular quantitie of guidis and geir pertening to umquhile dame Jene sempill, lady ross, tyme of hir dceis last februar 1592, omitit furth of ye said umquhile dame Jenes testament be george ross executor dative at ye leist surrogat in ye place of ye procurator fischall and intromettit with, at ye leist with ye maist pairt yrof, be umquhile rot lord ross son to umquhile dame Jene and father to James now lord ross

in ye first yair is confermit in ye said umquhile dame Jenes testamment

within ye barne and barneyaird of insche tyme of hir deceis fourscoir saxtene bolls aits, 9 bolls beir, 5 bolls peis, omitit furth yrof 5scoir bolls aits, 16 bolls beir, 8 bolls peis or yrby

within ye mains and lands of inche, 6 tidie ky, and 8 forrow ky omitit furth yrof 3 tidie ky, 4 forrow ky or yrby

omitit furth of ye said testament within ye lands and mains of inche the fuilzie[= dung] yat guidit[= manured] 12 aikers beir land

omitit furth of ye said testament within ye place of inche, 6 bolls twyse scheilit[= husked] meill, 16 bolls anis scheilit meill, 3 hoggetis [= hogheads, large casks] hering, ane barrel salmond, 12 staines butter and 46 staines cheis or yrby

yr is confermit in ye barne and barneyaird of thornelie 44 bolls aits, 2 bolls 2 firlots beir, 4 bolls peis, omitit furth yrof 50 bollis aits, 8 bolls beir, 18 bolls peis or yrby

confermit within ye lands of thornelie 2 tidie ky and 4 forrow ky, omitit furth yrof 3 tidie ky and 4 forrow or yrby

and confermit in ye testament within ye saids lands 4 pleuch horses, omitit furth yrof ane gray hors

omitit furth of ye testament, within ye mains of thornelie the
fuilzie that guidit 8 aikers brew land or yrby

omitit furth of ye testament 2 young ky qlks war delyverit in
foddering be ye said umquhile dame Jene to malcolme scott in
heuchill and Jon alger in ardies and intromettit with be ye said
umquhile rot lord ross

contentit in ye confermit testament for utenceills and domicileills
and abuliamentis of ye defunctis bodie **two hundreth xxvi lib xiiis
iiiiid** to be considerit with ye insyt and plenisching within ye hous
of inche tyme of dame jenis deceis and intromettit with be ye said
umquhile rot lord ross and utheris in his name, at ye leist with ye
maist pairt yrof

in ye first within ye hous of inche tyme of umquhile rot lord ross
intromissioun yrwith

viz.

xvi stand beddes p of p x mks
2 lang seddill beddis p of p x mks
3 arkis[= chests for storing grain] p of p xx punds
9 kists of aik and fyre p of p orheid 6 pund
4 flanderis coffers p of p 4 punds
7 iyron chenzeis p of p 3 punds
ane brewing caldroun p yrof 40 merkis
ane kettill p yrof iilib vis viiid
6 dissoun powder trunschers p of ye dissoun orheid 5 punds
10 dissoun powder plaitis p of ye dissoun 10 punds
9 brasin pottis p of p 40s
2 iyrone pottis p of p xxvis viiid
13 brassine pannes p of p xvis
2 firing pannes p of p xiiis iiiid
ane mekil pair of rakis p yrof 5 merkis
7 speitis p of p orheid xxs
2 pistollis and mortaris p of p orheid xviiis
8 standand chandleris p of p xxxs
4 hengand chandleris p of p xiiis iiiid
4 tyn flackatis[= flasks] p of p xxvis viiid
7 tyn quart stoupis p of p fortie schillingis
2 tyn pynt stoupis p of p xxs
ane choppin [= a Scots half pint, approx 0.85 litres]stoup p xs
ane silver piece of xviii unce wecht p of unce Liiis iiiid
3 mask [=brewing malt or or ale]vattis;4 gyle[=gyle, wort in the
process of fermentation] fattis and ye brewing veschalls yrto, p
yrof 40 pundis
6 stand naprie p of ye stand orheid 4 pund
15 feddir beddis wt coddis and bousters p of ye bed orheid 10 punds
14 pair small scheitis of lyning and holand clayt p of ye pair
orheid 4 punds
24 pair of blanketis p of p orheid iilib
6 sewit coveringis p of p orheid vilib
3 arres warkis[? = tapestries]p of p 10 merkis
xvii scotis coveringis p of p orheid xxvis viiid
5 stand of velvet clayt p of p orheid iiixx[=60]punds
the brokin velvet camerage[= cambric] and lane[= lawn]p yrof ane
hundreth merkis

qlk far surmountis ye prices contentit in ye confermit testament as
may be easily understand, qlks guids and geir befor writtin war

intromettit with at ye leist ye maist pairt yrof be ye said umquhile
rot lord ross and utheris in his name to his utilitie and profit

mair omitit furth of ye testament ane tablet sett with parle
dyamountis and precious staines to ye avail and quantitie of fyve
thowsand merkis, qlk tablet be ye said umquhile dame Jene sempill
was delyverit in pledge to hir son in law, allane lockart of
cleghorne, and efter ye said umquhile dame Jene deceis was redemit
be ye saids defenderis umquhile father, rot lord ross and sua yair
is omitit furth of ye testament qlk aucht to have bene confermit,
fyve thowsand mks money

and ye said James lord ross and ye said dame Jene hammiltoun his
mother comperand be Mr william oliphant quha allegit (efter that ye
saids lords had fund yat yai wald grant onlie ye said sowme of twa
hundret and tuentie merkis as principall togedder with ye sowme of
ten merkis yeirlie sen ye tyme of ye expyring of ye payment yrof
contentit in ye said obligatioun that ye said James lord ross sould
be assoilyeit simpliciter from ye said sowme of tuentie punds off ye
reddiest of ye sowme contentit in ye said obligatioun

becaus ye said dame Jene sempill sen ye dait of ye said obligatioun
hes payit to ye said umquhile Jon stewart of blakhall 6 bolls aits,
price of ilk 5 merkis, qlk maun be estemit in pairt of payment of ye
said principal sowme of 220 merkis

ye said dame Jene sempill being na wayis oblist in ony uther dettis
to ye said laird of blakhall

qlk allegaunce was fund relevant be ye lords and admitit to ye
defenderis probatioun and admits ye points of ye said principal
clame and eik not elydit be ye said allegaunce to ye persewaris
probiatioun

and assignis to ather of ye saids pairteis 20 november and ordanes
ather of ye pairteis to summond sic witnesses as thay will use and
to warn lady ross pllie to compeir pllie befoir ye saids lords ye
said day to gif yair ayts de calumnia gif sche hes just caus to
propone ye said allegaunce with certificatioun and sche failyie ye
said allegaunce salbe haldin as confessit and decreit given agains
hir

ye pairteis ar warnit *apud acta*

CS7/191/124v(Stewart c Lady Ross)

21 Januar 1593/1594

testament dative and inventar of dame Jeane sempill, ladie ross, deceist last februar 1592, given up be george ross in chrystcraig executor dative surrogat to hir in place of ye procurator fischall be decreit of ye commiser of edinburt, as ye decreit of 17 Januar 1593 beirs

dame Jeane sempill had ye tyme of hir deceis in ye barne and byre of the inche

[?] bolls aits p of boll 46s 8d Summa £270 13s 4d
9 bolls beir p of boll £3 6s 8d S £30
5 bolls peis p of boll £3 6s 8d S £16 13s 4d

sawin upoun ye lands of the inche 41/2 bolls quheit estimat to ye ferd corne extending to 18 bolls, p of boll £4 S £72

14ky, 6 tydie[= pregnant], 8 forrow[= not in calf]
6 quoy[=heifers] of 2 year p of p £3 S £12
3 quoy of 3 year p of p £4 S £12
2 quoy of 4 year p of p £5 S £10
ane bull of 4 year auld p £5
2 stot[= bullocks] of 4 year auld p of p £5 S £10
36 yewis p of p 26s 8d S £48
6 stirks, year auld p of p 20s S £6
3 pleuch horses p of p £13 6s 8d S £40

in ye barne annd barneyaird of thornelie 44 bolls aits p of boll 46s 8d S £102 13s 4d
10 bolls 2 firlots beir p of boll £3 6s 8d S £35
4 bolls peis p of boll £3 6s 8d S £13 6s 8d
upoun the lands of thornelie 2 tydie ky and 4 forrow ky p of p £8 S £48
2 oxin p of p £10 S £20
4 stots of 3 year auld p of p £4 S £16
2 quoyis of 3 year auld p of p £4 S £8
ane quoy of 2 year p £3
ane bull of 4 year £5
4 pleuch horses p of p £10 S £40
28 hogis[= yearling sheep]p of p 20s S £28

utenceills and domiceills and abuliament estimat to £226 13s 4d

Summa of ye inventar £1193

followis debts

awand to dame Jeane sempill, ladie ross

be - lord ross hir son 10 bolls beir p oof boll £3 6s 8d S £33 6s 8d
mair be him 7 bolls meill p of boll 53s 4d S 28marks
be andro crawfurd in cartralden 2 bolls aits p of boll 40s 4d
be Jonet aikin 2 bolls aits S £4
be helene moresone in - ane boll meill 53s 4d

Summa debts awand to ye deid £62 13s 4d
Summa inventar with debts £1255 13s 4d
Na divisione grof **quot** is componit to £20

we Mrs Jon prestoun etc understanding yat efter dew summonding and laull warning maid be forme of edict oppinlie as efferis of ye executors intromittors with the guidis and geir of umquhile dame Jeane sempill and of uys haifand entres to compeir etc and yat nane comperit, we decernit ye procurator fischall of or said commisariot in executor dative to hir and yrefter at ye supplicatioun and desyre of ye said george ross we have reponit etc conforme to ye qlk we in or soverane lordis name and auctoritie maks constitutes and ordanis and confirmis ye said george ross in executor dative to ye said umquhile dame Jeane sempill with powar to him to intromet etc provyding that the said george, executor, sall anser etc

grupoun cautioun is fundin as ane act maid yrupoun beirs

CC/8/8/26[20 Aprilis 1601] (Dame Jeane Sempill)

TESTAMENT DATIVE AND INVENTAR AD OMISSA OF DAME JEANE SEMPILL

[from Register of Testaments]

testament dative and inventar *ad omissa* of guidis and geir pertening to umquhile dame Jeane sempill etc omittit and left furth of hir principal confermit testament dative and siclyk set within ye just avail yrin contenit be george ross in christcraig, executor dative confermit to umquhile dame Jeane sempill, ladie ross, be ye commiser of edinburt 21 januar 1593 ...

given up be william wallace burges of paslay executor dative *ad omissa* surrogat to ye said umquhile dame Jeane sempill, ladie ross, in place of ye procurator fischall as ye dcreit of ye commiser of edinburt 1 aprile 1600 *proportis*

dame Jeane sempill, ladie ross had ye guidis and geir omittit ...

in ye barn and byr of the inche 116 bolls aits ilk boll 46s 4d albeit ilk boll was than worthe £4, swa ilk boll set within ye just avail 34s 4d S £193 6s 8d

confermit in ye testament, 9 bolls beir, ilk boll of ye said 9 bollls beir wt ye fodder set wtin ye just avail yrin contenit 53s 4d, sua £24

mair confermit in ye testament 5 bolls peis ilk boll £3 6s 8d, albeit ilk boll worthe £6, sua ilk set wtin just avail yrin contenit 53s 4d, sua 20 merkis

mair in thornelie in ye confermit testament 44 bolls aits ilk boll 46s 8d, albeit ilk boll 33s 4d, sua £73 6s 8d

mair 10 bolls 2 firlots beir, ilk boll £3 6s 8d albeit ilk boll £6sua set wtin just avail 53s 4d S £28

mair 5 bolls peis, ilk boll yrof with ye fodder at £3 6s 8d, albeit ilk bolll yrof wt ye fodder was than worth £6, and sua ilk boll of ye 4[sic] bolls peis set wtin ye just avail yrin contenit 53s 4d S £10 13s 4d

mair, sawin upoun lands of the insche 4 bolls and ane half boll quheit estimat to ye feard corne extending to 18 bolls, ilk at £4 albeit than worth £6 13s 4d and sua ilk boll of ye said 18 set within ye just avail 53s 4d S £48

Summa of Inventar *ad omissa* £390 13s 4d
grof ye **quot** is componit for 10 merks

be Mr Jon nicolsoun etc understanding yt efter dew summonding and laull warning maid be forme of edict oppinlie etc and yat nane

comperit, we decernit ye procurator fischall etc conforme to ye qlk
we in or soverane lordis name and auctoritie maks constitutes
ordanes and confirms ye said william wallace in executor dative *ad*
omissa to ye said umquhile dame Jane Rooss with power etc

grupoun rot powtie[?] merchand burges of edinburt is becum
cautiouner etc as ane act beirs

CC8/8/35 [20 Aprilis 1601] (Dame Jeane Sempill)

andro lyill merchand burges of ye said burgh of edinburgh and Jonet boyd his spous and allegit faxtrix to him and haveand his power during his absence furth of yis cuntrey to ressave the haill debtis, sowmes of money and uysis addettit to him allege that they onlie upoun familiaritie and freindschip standand betuix yame and the said James colden ye tyme of making of ye foirsaid obligatioun and for eschewing trubill and cummer[=distress, hardship] of yair creditors borrowit ye said James coldronis name to ye foirsaid obligatioun allanerlie and that they ressavit na commoditie frome him yrfoir, quhilk upoun his aith of veritie he can not nor will not deny clames ryt to ye haill sowmes of money, principal and expenses and hes causit arreist the samen in the persewaris handis mynding to charge and trubill him yrfoir ...

CS7/191/376r (Dunlope v Dyikis).

[from Register]

... issobell ogilvy dochter to umquhile ogilvy of yat ilk and donatrice comperand be Mr thomas mawer hir procurator quha renunciit *iure lite et causa* all actioun and entres ye said issobell ogilvy had or hes or may have to ye airschip guidis and geir pertening to Mr Jon ogilvy now of yat ilk as air to ye said umquhile gilbert ogilvy his father and is content and consents that ye foirsaid gift of escheit and declarator sall naways be extendit ony maner of way to ye foirsaid airschip guidis and geir ...

CS7/189/350v (L Advocat[and Issobell Ogilvy] c Ogilvy)

[from Register]

... issobell quhytt the persewaris spous[William Lamb] being 30 yeirs mareit with him could na wayis of ye law mak ony sic obligatioun of cautiounrie or contract ony maner of dettis in ye said persewaris absence furth of the realme without his consent and siclyk albeit sche had bene ane frie persoun unmareit yit of the law na woman is hauldin to contract dett be cautiounrie and mekil les to mak ony sic obligatioun without the consent of hir husband except sche had his speciall commissioun to yat effect as sche had not in deid and sua the said lrs obligators maid be the said pursuers said spous in his absence and by his consent is null of ye law and can mmereit na executioun agains hir or the said persewar hir husband

... qlk reasoun was fund relevant be the lords ...

CS7/189/14v (Lamb c Aikman)

the testament testamentar of umquhile Jonet hanying lawful dochter
to umquhile alexander hayning in gribtoun

at gribtoun ye xxviii day of Januar 1603 quhilk day the said Jonet
hayning laull dochter ... thot it expedient to mak hir latter will
and testament in maner following

sche nominat and constitute mareoun beck hir moder and mungo corsbie
hir broder hir onlie exers and universall intrors with hir haill
guids and geir

sche leivis to thomas hayning burges of drumfreis and to william
hayning his sone ilk ane of thame xxlib.

sche leivis to Jonet thomson spous to the said mungo corsbie ane kow
with the gown quhilk umquhile cristiane edyair left hir

sche leivis hir titill kyndness and ryt of the halfmerkland callit
pumfelwoll and halfmerkland callit puirchyldis within the lands of
gribtoun to the said mareoun hir moder during hir lyftyme and efter
hir deceis to the said mungo corsbie

sche leivis the haill geir yt fell and appertenit to hir be deceis
of umquhile cristiane edyair quhome to sche wes onlie confermit
executrix to ye said mareoun beck hir moder and ordanit hir to pay
thomas hayning burges of drumfreis fourtie merkis of the foirend
yrof onlie

sche ordanes hir exers to fulfil hir latter will and legacie and the
rest of hir frie geir to be equallie divydit betwix thame and to
nane uyris

this is the trew will and testament of the said Jonet spokin and
gevin up with hir awin mouth

writtin and subscryvit be robert maxwell noter in drumfreis becaus
sche can not wryte
day yeir and place foirsaid

befoir yir witnesses

george thomsone in terreglis

Jon thomsone his sone

Mr Johne hayning in tounfute

michaell frissel

and willame turner servitors to the said mareoun beck

sic subscribitur Ita est rebertus maxwell ... scribere nesciens ...

george thomsone witnes

Mr Johne thomesone witnes

CC8/8/38 (7 July 1603)

TESTAMENT TESTAMENTAR OF RELICT

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the testamentar pertening to umquhile mareoun maxwell lady garneselloche relict of umquhile robert Johnestoun parsoun of lochmaben ...

I mareoun maxwell lady garneselloche elder being seik in bodie bot thanks to the eternall god haill in saull and of guid and perfyte remembrance maks my testament in maner following

ffirst I leive my saull to god and my bdie to be buryet amangis the faytfull and constitute and ordane to be my onlie executor robert Johnestoun my sone with power to him to geiv up inventar of my guids and to geiv up the detts awand to me and to pay the detts quhilks I am awand to uyris

I leiv to margaret maxwell my dochter ane furnist bedding of claithes and apparrelling quhilks pertenis to my awin bodie

I leiv to the laird of craigdarrochis bairnes my oyes iict merkis money quhilk thair fayer is awand to me conforme to his obligatioun with the haill byrun annuels of the samyn quhilk extends to sex scoir merkis money or yairby quhilk I ordane to be devydit equallie amangis thame

this is the trew will of margaret maxwell lady garneselloche writtin be me robert maxwell noter publict at garneselloche the last day of october 1601

befoir witnesses Johne gillagy in garneselloche

Johne adie cordiner

Mathew blunt in newhall

James chancle hir servitors

thomas allane teachir to the bairnes

sic subscribitur robert maxwell *manu propria*

thomas allane witnes

CC8/8/36 (6th November 1601)

[from Register]

anent the summons raisit at the instance of william, helene, mareoun and issobell rosses, dochters laul to umquhile margaret dentone spous to angus murray citiner in dornoch agais the said angus murray makand mentioun quhair umquhile margaret in hir latter will and testament maid and given up be hirself at ballacuthe 18 apryle 1597 subscrivit be william fraser nottar publict at hir command becaus sche culd not wreit in presens of divers and famous witnesses gaive up the guids and geir underwrittin pertening to hir and hir said spous

... [goods listed] as in the testament and will and inventar of the dait foirsaid

in the qlk legacie testament and letter will albeit that the just half of the haill debts sowmes of money guid and geir be the laws and pratik of this realme pertene to umquhile margaret dentone, in hir sd letter will leift the haill guids and geir pertening to hir abovewrittin extending to ye particular quantitie and pryces abovespecifeit to the saids persewars equallie amangis thame in four several pairtis and leift the said angus murray hir spous hir onlie executor to distribute the same and that he intromett with all and sundrie the guids and geir debts sowmes of money particularlie abovewrittin

nevertheles the said angus murray as intromettor with the saids guids and geir wrangouslie refuses to content and pay to the persewars the just half of the haill guids and geir etc without they[sic][means "he"] be compellit

...

the lords ordanes angus murray intromettor foirsaid to pay to the persewars equallie amangis thame the said umquhile margaretis just half of the said haill guids and geir debts and sowmes of money and uyris qlk pertenit to hir tyme of hir deceis and wer in hir possessioun or thair, the sowmes of money abovewrittin as the just pryces leift be hir in hir legacie and testament in maner and at the tyme abovespecifeit

becaus the points wer admittit to the persewars probatioun efter angus murray was summond to have hard decreit and not comperit] the persewars instantlie verifeit

the lords ordanes lrs to be direct gif neid beis als to charge ten pounds and 40s

CS7/192/8v (Murray c Ross)

(Janet Welsh, spouse to Charles Herries in Fleuchlarge, Commissariat of Dumfries]

[from Registers of Testament, Scottish Record Office)

The testament testamentar, latter will and inventar of the guidis, geir, dettis and legaceis of me Jonet Welsche spous to Charles Herreis in Fleuchlarge, faytfullie maid and gevin up be my awin mouth, being seik but in perfyte memorie, at Calistreine the tuentie day November and yeir of God 1642 in presence of the said Charles Herreis **and with his consent**, befoir the witnesses Robert Edyer in Wallastoun and Williame Scot, cordiner [yair]

I leiff assigne and dispone and ordane to be gevin and distribute the sowme of sex hundreth merkis money of this realme to be disponit as followis

perteining to me and for my use to be left to quhome I pleis be vertew of the contract matrimoniall betuixt the said Charles and me conforme to the claus of the provisioun thairin for the quhilk the said Charles my husband is obleist as the said contract of the dait the [blank] day of [blank] 163[blank] at lenth beirs

I leiff and ordanes David Edyer my oldest sone to have and receive the sowme of twa hundreth merkis money of the sowme of sex hundreth merkis

I ordane and appoyntis and leiffis to Thomas Edyer my secund laifull sone the sowme of thrie hundreth merkis of the said sex hundreth merkis

reservand and deduceand yrof the sowme of threttie pundis money to the said Charles my husband in cais he pay the said sowme at or nixt efter my deceis

and in cais he keip and deteine the samen in his hands, the said threttie pundis to be allowit as effairis for annuelrent during the termes and space he keipis the samen till he be compleitlie payit with the said annuelrent of the said threttie pundis

I nominats and ordanes Lancilot Welsche in Craiginputock in respect the said Thomas Edyer my sone is minor and absent furth of this realme to uplift and caus receive the said sowme of thrie hundreth merkis money fra the said Charles deduceand the said threttie punds of the samen as said is or annuelrent of the principall that will extend to the said threttie pundis

and the said Lancilot to grant discharge thairfoir and to be upliftir, receiver, oversear for my said sone use during the space of fyve yeiris nixt efter his ressait yairof, and in caice the said Thomas do not returne againe to this realme swa that death prevent him, the said sowme and annuells yairof to pertene and returne to the said David my sone

exceptand and reservand of the first annuells yairof the sowme of sex pundis money to be payit to my father sone, Williame Creichtoun

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I ordane and leiffis ane uthir hundreth merkis in full payment of the said sex hundreth merkis pertening to me and to be payit be the said Charles my spous as said is to my laufull brother Edward Welsche in Darbarroche and ordanes the said Edward to pay and to giff yairof to my sister Mareoun Welsche, Williame Creichtoun hir sone, sex pundis money with four pundis to Jonne and Jonet Welschellis my umquhile brother Cuthbert Welsches bairnes equallie betuixt thame

I leiffe my saule [to God] and my bodie to be bureit ... in ye kirkyaird of Glencairne and leiffis and ordanes and appoyntis the said Edward Edyer my sone and Edward Welsche my brother to be my executors coniunctlie and severallie togidder and universall intromittors with my guidis and geir and to be usit, distribute and disponit in the foirsaid maner and to the persones foirsaid in maner abovewrittin and expressit

and this I declaire and ordane to stand as my testament and latter will

in witness quhairof , wryttin be Hew Cunninghame, notar, I have subscrivit the samen as followis ...

I the above designeit Jonet Welsche with my hand at the pen etc ...

Ita est Hewgo Cunninghame
Robert Edyer witnes

{CC5/6/2/131v ; 4th July,1643)

**WOMAN SELLS GOODS AND GEAR ETC TO BROTHER GERMAN BUT RETAINS THE USE
THEREOF DURING HER LIFETIME**

[from Register]

...umquhile eizabeth drummond sister germane to the said persewar, robert drummond of doill, be hir special lrs of dispositioun grantit be hir to the said persewar 17 Junii 1595 for the sowme of 300 pundis ressavit be hir, sauld annaliet transferrit and simpliciter disponit fra hir hir airs and assignayes to the said robert drummond his airs and assignayes the haill guidis and geir abuliament insicht plenishing in hir possessioun in ye place of elphinstoun and throsk at the making of the said alienatioun according to the particular inventar efterspecifeit reservand to hir the use yrof during all the days of hir lyf tyme and the airs gif ony sche suld happin to have bene laulie procreat of hir bodie to succed yrt to and failyeing of thame the said robert drummond to intromet with the haill guidis and geir insicht and plenishing and abuliaments at his awin hands and with the remanent hir haill guidis geir and dettis quhatsumever, use and dispoone yrupoun and to call and persew as accords as the said lrs of dispositioun grantit be umquhile elyt yrupoun to the persewar proports

and seing umquhile elizabeth departit this lyf without airs laulie procreat of hir awin bodie thairfoir robert drummond now persews his ryt to the foirsaidis guidis and geir etc dettis and hes entres and actioun to persew intromettors

elizabeth had the following acquirit be hir sen the making of the said dispositioun and albeit the defenders are intromettors with her guidis and geir nonetheles they will onnaways restoir to the persewar the guidis and geir to be usit be the persewar at his pleasur conforme to the dispositioun without they be compellit

... the lords declaris that the persewar hes guid ryt to the guidis and geir pertening to umquhile elyt thairfoir ordanes alexander Mr of elphinstoun maistress Jean levingstoun his spous and adame commendator of cambuskennet and margaret drummond his spous to deliver the guidis and geir etc to robert drummond, persewar, the guidis pertening to elyt drummond his sister

that is to say

intromettit with be alexander Mr of elphinstoun and his spous gold tablet wayand tua unce wecht of gold or yrby

3 lokfast kistis

2 lynning wobbis with ane harden wob, ilk ane of them contening 35 ellnis or yrby

and intromettit with be adame commendator of cambuskennet and his spous, being in ye said umquhile elytis chalmer in the burt of stirling

item

3 fedder beddis

5 pair of blankettis

3 sewit coveringis

tua bowsteris

sax downe coddis

fyve pair lynning sheittis

thrie pair harden sheittis
 ane lynning burd clayt
 sax servietis of lynning
 tua hardin burd claythis
 aucht cod wairis

sax gownis ane yrof Ramishe taffite, ane yrof of searge of florence
 and ane of chamlit[?camlet=fine woollen cloth]of silk, ane of
 tuellit burrit[?=textured with knots of wool],ane of
 camry[=cambric]cannalem[?=cinnamon coloured], ane of
 grograne[=grogram fabric] neiper[?]
 tua wellicoats, ane of red stemming[=a kind of worsted cloth], ane
 uyr of broun scottis clayt
 ane huid and cape
 tua ryding skirtis, ane of blak clayt, ane of broun
 ane blak saddill coverit with blak clayt ...

CS7/186/369v (Drummond c Mr of Elphinstoun)

INVENTORY OF GOODS AND GEAR PERTENING TO ALEXANDER MELDRUM OF
FFORRET

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[from Register]

1ST INVENTORY

ane young staig £20
ane gray hors £20 ane meir £16 all 3 on ground of maines & land of
newhill and lethame
ane silver coup weand aucht unces silver at 50s the unce S £12
4 silver spouns weand 6unces S £15
4 golden buttonnis weand four fyve pund pecis S £20
divers utencils and domicils wt the abuliament of umqle alexander
estimat to ane hundreth pundis
and speciallie 5 fedder beddis wt bouster 100mks
5 pair of courtingis £20; £5; £50
8 pair of blancatts £20
12 pair of plaids £20
18 pair lynning sheits £40
2 dossone of coddis £6
ane chymnay of 10 stane wecht £20
2 fyre cofferis lockit & bandit wt ane gardemat[=mat for placing
under dishes at table] £40
10 bolls quheit £20
ane litil coffer covert wt ledder; ane gown of worset; ane self blak
goun; 2 auld cottis; 2 pair of lang chiet[?]hois of frenche blak; 2
marrikin[=morocco leather]cottis; 2 doublettis of fustiane, ane pair
of fustiane ?; ane pair of blankettis; 4 wairdors[=pillow slips]; 7
pair of doubill plaids; 6 pair of sheits; 5 fedder beddis, 6coddis;
6 buird claithes; 17 plaitts

AMMENDED INVENTORY

the quhyt meir being onlie worth £10
4 silver spouns ilk of wecht of half ane unce price of pece 20s
ane cask of 6 unce wecht of baish[?=base]silver, price of unce 40s
fedder bed wt bouster coddis sheits blancattis & covering, price
oerheid £6 13s 4d
ane blak hors worth 20mks

INTROMISSION OF GOODS REFERRED TO OATH OF VERITY OF THE LAIRD AND
LADY FFORRET

ane silver coup weyand 8 unce or yrby
4 silver spouns weyand 6 unces or yrby
4 gouldin buttounis weyand 4 fyve pund peces or yrby
obligatioun for 200 mks
2 doubill cofferis bandit wt irone, ane small & ane uyr greiter wt
ane gridiryan
the sd umqle alexanderis habiliments estimat to £120
6 pair blancattis est to £12
of wairrells[?]botter and wair est to £20
of doubill plaids 9 pair est £20
of gifein[?] courtings 2 pair est to £3
2 pair of quhyt courtings est to £422
pair of sheits small and greit est to 88 mks
6 fedder beds wt yr bousterie & coddis, 6 coddis uyrways est to 100
mks
6 pair of buird claithes small and greit est to £18
2 dossone servitors small and greit est to £4
2 dossone of plaittis and trenchers est to £7
ane tyn flaken[=flagon], 30s

7 pair of heid sheits est to £4
4 lang towells est 40s

14₂

S = *summa*
est = *estimat*

CS7/186/221r (Meldrum c L Fforret)

[from Register]

...the dispositioun of the said margaret dalgleisches lyfrent to be retreittit and the said margaret to be reponit to her lyfrent and quantitie[1/2] of the tenement of land as if the band and dispositioun had nevir bein maid Becaus the said band was grantit simulatlle be ye mother to the son wtout ony kind of guid deid grantit or sowme of money albeit the samen beir sowmes of money as the said rot crystie will not deny upoun his constrent and onlie upoun purpose to stay her to solemnizat the band of matrimonie wt the said Jon hereot wt quhome befor the granting of the said band on 2 apryle 1599 the said margaret was dewllie laullie and solemnlie proclamit in sanct geillis kirk of edinburt qlk the said rot culd not misken and the said margaret having given hir faith and promiseis of marriage and being solemnlie proclamit wt the said Jon befor the making of the said pndit band of marriage yrefter solemnizat betuix thame, 11 apryle 1599, the said margaret was sua yrby band and astrict to the said Jon that in defraude of him and ye marriage qlk followit sche culd do na deid to the hurt and preiudice of the said Jon and culd mak na kynd of dispositioun of hir quantitie and lyfrent wtout the special advyse and consent of the said Jon and the said band was onlie given and grantit to the hurt and preiudice of Jon and for staying of the marriage yrefter following as may maist cleirly appeir be the bakband grantit be the said rot crystie to the said margaret the varie tyme and day of the making of the said dispositioun be quhilk the said rot band and obleist him that in cais it suld happin the said Jon hereot quhom margaret than intendit and myndit to marry deceis befor the said margaret, than the said rot band and obleist him to renunce resign etc the ryt of lyfrent and quantitie in favor of the said margaret sua that the said margaret suld be restorit and reponit to hir awin place efter the deceis of the said Jon quhilk bakband be rot to margaret not onlie declairis simulatioun bot also notifeis that the said rot knew the marriage to be solemnizat betuix the pairteis and yrby maks the said band and dispositioun not onlie to be null but also *contra bonos mores* in stay of marriage qlk of the law is frie and in defaude of hir husband wt quhome sche was thrice proclamit befor the making of the said band and in cais sic kynd of blokes and dispositiounis be sustenit the samen salbe ane grit defraude to all men quha mareis wedowes or heretrices or uyer frie wemen quha onlie contractis thameselffis in mareage wtout onie concernis or assistance of ony responsall persone quha binds for thame

And thairfoir the said pndit dispositioun qlk contenit all in effect qlk the said margaret had to leve upoun is gevin and grantit *contra bonos mores* wtout consent of Jon quhome to sche was obleist and contractit in matrimonie, aucht to be retreittit, declarit of nane avall etc and the said margaret restorit to hir awin ryt and place qlk sche had to the said tenement befor the making of the said pndit dispositioun

CS7/187/344r(Hereot c Crystie)

COUNTESS OF ORKNAY EXPLOITS HER LEGAL POSITION IN ATTEMPT TO AVOID 16
PAYING HER SERVITOR'S WAGES

[from Warrants and Decreets]

... in ye first becaus the tyme of ye contracting of ye said allet det the said dame margaret levingstoun wes yan cled with oure said richt traist cousing patrik erle of orknay hir spous, without quhais advyse and knowledge ye said dame margaret had nayer power to contract ony det nor yit to gif ony band or obligatioun for payment of ye samyn be hir selff

and trew it is yat ye said obligatioun is allanerlie subscrivit be ye said dame margaretis selff without ye advyse and consent of hir said spous and sua of the law null and of nane availl sua yat ye said dame margaret nor hir said spous aucht not to be chargit for fulfilling of ye said pndit obligatioun

secundlie ye said dame margaret aucht naways to be chargit for fulfilling of ye said pndit obligatioun insafar as sche is not abill to do the samyne without hir said spous wer obleist to yat effect at ye leist wald allow hir to do ye samyne and wer chargit alsweill as scho, and trew it is yat he is not chargit, as he cannot be, becaus he nevir suscryvit ye said pndit obligatioun and sua of ye law he being *dominus bonorum* and hir heid, sche be hir selff may not, nor aucht not to contract ony det nor yit to pay the samyne without his avvys and allowance

attour it is of veritie yat ye said walter cranstoun is far mair addettit to ye said dame margaret and hir said spous for his entres, nor ye said dame margaret is onywayis addettit to him insafar as he being factour and chalmerlane to ye said dame magaret of hir coniunct fie landis and leving pertening to hir be deceis of umquhile sir lues bellendene of auchinnone knyt hir spous of ye crope and yeiris of god 1586, 1587 and 1588 yeiris he intromettit with ye haill maillis fermes and dewteis yairof and hes naways sensyne maid compt and rekning payment nor delyverance of ye samyne bot wranguslie refuisses to do and performe ye samyne albeit ye rentis of ony of ye saidis yeiris will far exceid ye sowme allet addettit to ye said walter as said is and thairfoir unto ye tyme he mak compt rekning and payment to ye said dame margaret of hir said leving of ye yeiris abovewrittin sche aucht nawayis to be compellit to mak payment of the sowme abovespecifeit

and last trew it is and of veritie yat ye said pndit obligatioun wes nevir *in rerum natura* at ye leist gif ony be ye samyne is altogidder fals and feinzeit in the selff lyk as ye said dame margaret and hir said spous offeris yame to impreve ye samyne *per testes insertos et omni alio modo quo de iure* and thairfoir ye saidis pndit lrs effect yairof and proces of or horne yairin contenit aucht and suld be simplie suspndit upoun ye saidis compleneris

nevertheles for eschewing of ye danger of ye said horning thay have instantly fund cautioun in pns of ye saidis lordis for payment to the said walter of ye sowmes of money principall and expensses abovewrittin in cais it be fund be ye saids lords yat yai aucht to do ye samyne as is allegit ...

In act and caus persewit at the instance of Dame Jeane Hereis relict of umquhile Ser James Cokburne of Skirling knyt agains James Twedy of Drumelzear

makand mentioun quhair ye persewar is servit cognoscit and kennit to the sony terce of all the lands and baronie of Lothian with the lands of Wiltoun[?Wintoun] and nyne aikers of land ot the arable land lyand on the south syde of ye burt of Haddingtoun annexat to ye landis of Lothian and to the same terce of and thrid pairt of all the lands of Bromisfeld *alias* Cryistland and ye landis of Newark *alias* Langwame[?] lyand within ye syrefdome of Berwik, Edinburt and constabularie of Haddingtoun pertening to hir throw ye deceis of umquhile Ser James Cokburne of Skirling knyt hir spous be vertew of ane provisioun purposlie writtin specifeit in ye infetment of ye above landis maid be dispositioun of ye said umquhile Ser Jammes to umquhile William Cokburne of Skirling his sone and Helen Carmichaell his spous, as in hir service and instrument of kenning at mair lenth is contenit ... be vertew of quhilk ye said Dame Jeane hes guid ryt to the mails, fermes, profits and dewteis of hir said sony terce or thrid pairt of ye saids landis with pertinentis sen ye deceis of umquhile Ser James hir spous in November or yrby 1589.

CS/192/13v (Lady Skirling v Drumelzear).

[from Register]

...the lords hes transmitt the prothogoll in the same state as insert in the prothogoll and declaris the same to mak as greit fayt in judgement as gif the sam had bene extractit in commoun forme of instruments be umquhile Mr david gibsoun befor his deceis of qlk the tenor follows

[written out in original Latin
instruments of 14 merche 1560 and 28 november 1561]

...becaus the defenders wer summond to have hard the tua instruments of seasing decernit to be transmitt wt certificatioun ... etc the Lords wald decerne the same to be transmitt and they being summond and comperand be thair procurators quha shew not ony ressonall caus quhy the instruments of seasing suld not be transmitt but failyeit and siclyk efter that Mr henry gibsoun comperit be his procurator quha producit the prothogoll buik, qlk being considerat be the Lords they fand be depositions of divers famous personnes quha wer examinat as witnesses upoun the legalitie of the said notorie and of his handwrite and speciallie of the handwrite of the foirsaid tua instrumentis, that the said umgle Mr david gibsoun quha was notar and unsuspect in his lyf tyme and that commoun concurs was had to him be or soverane lords lieges lykas they deponit that the same instrumentis was the proper hand write of the said umquhile Mr david gibsoun and subscrivit be his hand thairfor the lords hes transmitt and transumes the foirsaid instrumentis in maner abovewrittten and ordanes lrs to be direct gif neid beis in forme as effers

CS7/186/404v (Lady Hammiltoun c Lord Cassillis)

... be ye contract of mareage maid anent the mareage of david grahame with the said issobell mowat, the said david grahame wes yrby speciallie bundin and oblist be James mowat father to ye said issobell mowat and John mowat his son and apparend air that quhatsumever landis heretages taks rowmes or possessiounis it sould happin the said david to conqueis during his mareage with the said issobell that he sould tak the samen and acuyre the ryt yrof to the weill utilitie and use of himself and the said issobell and to the airs lauchfullie to be gottin betuix thame as the said contract beirs

and trew that sen ye said mareage ye said david hes aquyrit ane tak and assedatioun set be ye said sir robert dowglas of glenbervie knicht to ye said david and to ye said issobell his spous and to ye airs maill lauchfullie gottin or to be gottin betuix yame of all and haill the toun and landis of halkhill, mortishill with pertinents of glenbervie myln lands, multers and knaveschip yrof with kilmayis aikers and hauchis adiacent yrto with Jappiswallis and yair pertinentis, baronie of glenbervie, syrefdome of kincairdin for all ye dayis of ye laird of glenberveis lyfytyme and for ye space of 19 yeiris efter ye deceis of ye sd laird for ye yeirllie payment of dewtie mentionit yrin ...

CS7/192/116v (Mowat v Graham).

[from Register]

anent the summons raisit at the instance of dame jeane jonstoun lady saltoun and william ker now her spous for his entres agains Jon now lord saltoun and dame margret stewart lady saltoun his mother tuiching delyvering to the compleners or production befoir the Lords of counsall of the contract and appointment maid brtuix umgle george lord saltoun on the ane pairt and dame Jeane Jonstoun relict of umgle alexander lord saltoun on the uyr pairt qrby umgle george lord saltoun, for ye renunciatioun of the said dame Jeane Jonstounis thrid and terce of all and sundrie lands, lordschippis, barroneis, and possessiounis qlks pertinit to hir said umgle spous and to the leving of saltoun, band and oblist him his airs executors and assignayis to content and pay to the said dame Jeane Jonstoun yeirlie during his lyftyme ten chalders chereteit victuall quhairof sex chalders beir and for chalders aitmeill and in cais of not payment yrof, the sowme of ten merkis for ilk boll yrof as the contract contening uyr heids beirs

CS7/185/285r(Ker c L Saltoun)

[from Warrants and Decrees]

At Edinburgh ye twentie third day of December the yeir of god M vct lxxxxviii yeirs It is appointed contractit agreit and finallie tryit betuix contractor pairties underwritten thay are to say Syr Johnne ker of Hirssel knyht for himselff and ... (faded) and upoun ... (?) mark ker his sone and apperand air And als ye said mark for himselff with expres avyse and consent of the said Syr Johnne his fayer as lauchful tutour gyder and governour to him of the law for his interes on the ane pairt

alexander hamiltoun of innerweik for himselff and takand ye full burdyng in and upoun him for Jeane hamiltoun his secund lauchful dochter and als ye said Jeane hamiltoun for hirselff with expres avyse and consent of the said alexander hir fayer as lauchful administratour tutour gyder and governour to hir of ye law for his interes on ye uyer pairt in manner forme and effect as efter followes that is to say

the saidis mark ker and Jeane hamiltoun and ayer of yame hes takin and be ye tenour heirof takis ye uyer to yr lauchfull spous and faytfullie promittit ayer of yame to compleit and solemnizat ye band of mariage wt uyers in pns. of chrystis kirk and halie congregatioun betwix ye dait heirof and and ye second day of februar nixtocum but langer delay

In contemplatioun of of ye quhilk mariage and befoir ye solemnizatioun yrof the said Sir Johne faytfullie binds and obleisses him and his airis to infest and sease ye saidis mark ker Jeane hamiltoun his future spous in hir pure virginittie ye langer levar of yame twa in coniunct fie and ye airis lauchfullie to be gottin betuix thame quhilkes failyeand ye said Syr Johnne his airis maill and assignais quhatsumevir reidlie(?) in all and haill the landis and maynis of Spylaw and mylne yairof wt pairtis pendicles and pertinentis of ye samen qlk ye said Syr Johnne declaris to be pntlie worth and abill to pay in frie rent twentie four chalder victuall [and he and the said mark wt his consent as administratour to him sall warrand ye samyn to be worth and abill to pay in frie rent ye saidis twentie four chalderis victuell yeirlie] (INSERTED in margin in different hand and signed above "Innervik" and below "Ser Johne ker of") of ye measure and met of duniss lyand within ye syrefdome of Bervik as principall and lykwayes in all and haill ye lands of Littildeane and maxtoun wt housses biggingis pairtis pendicles and pertinentis yairof lyand wtin ye syrefdom of Roxburgh as in speciall claus of warrandice and securitie of ye foirsaidis landis maynis and mylne of Spylaw wt ye pertinentis to be haldin of ye said Syr Johnne his immediat superiour yairof siclyk and als frielie in all respectis as ye said Syr Johnne haldis ye samen himselff and yat in contentatioun and full satisfactioun of all terce of ye remanent landis and baronies pertening to ye said Syr Johnne and quhairunto ye said mark as apperand to him may succed quhilk sche may ask or crave be hir said future spous deceis in cais sche happin to survive him

And seing thair is no sufficient mans and duelling place as yit presentlie biggit upoun ye saidis landis of Spylaw thairfoir ye said Syr Johnne and mark ker his sone and appeirand air faytfullie binds and obleisses yame and yair airis to edifie and big ane sufficient wolt(=vault) of thriescoir of fute of lenth and ane hous hected above ye said wolt wt stane and lyme for hall and chalmeris to ye said Jeane upoun ye maist convenient pairt of ye saidis landis of Spylaw nixt adiacent to ye barnis and byris pntlie biggit yron wtin ye space of thrie yeirs nixt efter ye dait heirof and failyeand in edifeing and bigging of ye said hous within ye space abovementionat

the saidis Syr Johnne and mark his sone obleisses yam and yair foirsaidis to infeft and sease ye said Jeane in lyferent in all and haill ye south quarter of ye manerplace of hirsell contening thrie housses in ye ground wt ane great loft above ye samen extending to to thriescoir and ten fute of lenth or yrby togidder wt ane wolt at ye eist end yairof and ane dowcat above ye samen to be bruikit joysit and usit be hir in cais of ye said markis deceis as god forbid befoir ye said mansioun be biggit upoun ye saidis landis of Spylaw in maner foirsaid and sche reallie and effectuellie enterit yrin

at ye qlk tyme sche is and sall be heirby bund and obleist to renunce and overgiff yat pairt of ye said maner place of hirsell abovementionat appointit to hir be yis pnt contract to and in favouris of ye said Syr Johnne, mark his sone his airis and assignais

attour ye said Syr Johnne be ye tenour heirof faytfullie binds and obleisses him his airis and assignais to infeft and sease ye said mark his sone and appeirand air and ye airis maill lauchfullie to be gottin of his bodie quhilkes failleand ye said Syr Johnne his airis maill berand ye armes and surname of ker and assignais quhatsumevir heretablie in all and haill ye remanent of his landis particulerlie eftermentionat viz.

in all and haill ye landis of ye hirsell wt ye tour fortalice yrof mylnis multuris fischeings in ye watter of tueid pairtis pendicles and pertinentis of ye samen lyand wtin ye syrefdome of Bervik and siclyk

in all and haill ye landis of Littildeane his landis of Maxtoun

in all and ye landis of fawlay and dolphingtoun wt castell tour fortalice mylnis woddis fischeings pairtis pendicles and pertinentis yairof quhatsumevir

in all and haill ye landis and baronie of Lyntoun wt tennentis tennandreis syrvice of frie tennentis advocatioun and donatioun of ye parochie kirk baith personage and vicarage of ye samen pairtis pendicles and pertinentis yairof

and als in all and haill ye landis and maynis of cowbog wt ye pertinentis and siclyk in all and haill ye landis of knokes hemmisfeild preistfeild wt pairtis pendicles and pertinentis yairof lyand wtin ye syrefdome of Roxburgh to be haldin of our soverane lord ye kingis matie. ye said Syr Johnne his immediat superiour yairof siclyk and als frielie in all respectis as he haldis ye samen himselff selfand and reservand alwayes to ye said Syr Johnne his lyferent of all and sundrie ye landis and uyeris particulerlie abovementionat during all ye dayes of his lyftyme except of ye coniunct fie landis aboverehersit

and in ye meanetye during ye said Syr Johnnes lyftyme seing ye yeirlie rent and dewtie of ye saidis coniunct fie landis is not of sufficient valour revenew to sustene and intertein ye saidis mark his future spous yair bairnes to be procreat betuix yame and famelie honorablie as apperteins thairfoir in contentatioun and satisfacioun of ye saidis coniunct fie landis and for yr better and mair honorabill intertenement the said Syr Johnne sall renunce quitclame and simplr. discharge lyk as he be ye tenour heirof renunes quitclames and simplr. discharges his lyferent of all and haill ye foirsaidis landis of dolphingtoun wt castell tour fortalice maner place and mylne yairof pairtis pendicles and pertinentis of ye samen and of ye maynis of cowbog and lyntoun wt ye haill teynd scheaves and uyeris teyndis yairof lyand as is aboverehersit exceptand and reservand alwayes to him woddis coillis and coilhewes of ye saidis landis of dolphingtoun during all ye dayes of his lyftyme quhilkis landis of dolphingtoun mylne and mylnelandis yairof maynis of cowbog lyntoun and teynd scheaves of ye samen the said Syr Johnne declairis presentlie to extend and yat ye samen ar now worth

in frie rentall fourtie chalderis victuell yeirlie to and in favors of ye saidis mark and his future spous to be inhabite bruikit joisit and possessit be yame during all ye dayes of ye said Syr Johnnes lyfytyme nixt efter ye said markis entrie yairto quhilk sall be and begin at ye feist and terme of mertinmes yeir of god M v foirscoir nyneteine yeirs or soner at quhat tyme and quatsoevir ye said mark sall think expedient

and in ye meanetyyme ye said Syr Johnne obleisses him to sustene treat and interteny ye saidis mark his future spous yair servandis and bairnis to be procreat betuix yame honorablie in bed and burd as becumes yr estait and lykwayes to content pay and thankfullie deliver to ye saidis mark and his future spous ye sowme of ane thowsand markes money of yis realme yeirlie at twa termes in ye yeir witsonday and mertinmes in winter be equall portiounes the first termis payment yairof to be and begin at ye feist of witsonday nixtocum and safurth yeirlie and termlye yairefter ay and sa lang as yai pleis to remane and in houshald and companie wt him

and at quhat tyme and quhensoevir yai desyre rayer to tak up hous yameselffis nor to remane in houshald wt him incontinent yairefter he sall enter yame to ye woyd and peceabill possessioun of ye foirsaid castell fortalice and manerplace of dolphingtoun uplifting of ye fermes and teynd scheaves yrof extending to ye foirsaid fourtie chalderis victuell in full contentatioun and satisfactioun of ye saidis coniunct fie landis fermes and uyeris dewteis yairof and of all uyeris fermes and dewteis yairof and of all uyeris fermes and dewteis quhatsumevir quhilkis ye said mark may ask or crave of ye said Syr Johnne his fayer during his lyfytyme

and ye said mark being enterit to ye said place of dolphingtoun and to ye uplifting of ye fermes and dewteis wt ye teyndis of ye landis yairof and remanent lands aboverebersit thairefter ye said Syr Johnne is and sall be fred freoch exonerit and relewit of all forder payment of ye foirsaid sowme of ane thowsand merkis fra thyne furth in tyme cwming qulkes infetmentis sall be maid procurit purchest and obtenit upoun

and forder ye said Syr Johnne obleisses him to redeme lous and outquyte all and quhatsumevir pairt and portioun of ye saidis landis mylnis and uyeris replie. abovewrittin annuelrent or annuelrentis annalliet furth of ye samen except ye particular alienatiounes eftermentionat (BLANK SPACE) Quhairrof ye principall sowmes lying thairon being comptit togidder extendis in ye haill to the sowme of saxtene thowsand merkis money foirsaid by and attour ye quhilk sowme in caise he at ony tyme heirefter happin to have ado wt forder sowmes of money for performeing of his necessar effairis ayer tending to his particular or advancement help and forderance of his bairnis or yit tuicheing ye estait of his honorabill hous and leving in yat caice it sall be lesum to him to tak upoun ye saids landis mylnis and uyeris abovewritten ye sowme of four thowsand merkis by and attour ye said sowme pntlie. lyand yron qlk being comptit in ane sowme extendis in ye haill to ye sowme of tuentie thowsand merkis money abovespecifeit (INSERTED in margin and sgned above "Innervik" and signed below "Ser Johne Ker") and how oft it sall happin in ye said Syr Johnne to redeme ye foirsaid landis or ony pairt yrof it sall be lesum to him ay and als oft to wodset and dispone ye samen ony pairt yrof or annallie quhanevir he happins to have and not exceiding and surmounting ye said sowme of tuentie thowsand merkis fra ye burding and redemptioun quhairrof ye said Syr Johnne sall not be obleisst heirby to warrand ye saids landis and to yat effect to sell annallie wodset and dispone to his bairnis or to ony uyer persoun or persounes quhatsumevir ony pairt or portioun of ye propertie of ye saidis haill landis mylns and uyeris aboverebersit wt ye pertinentis annuelrent or annuelrentis furth of ye samen or ony pairt yairof except ye coniunct fie landis aboveexpressit ye

landis of dolphingtoun and remanent landis foirsaidis assignit and appointit for ye said mark and his future spous yr pnt. lyfe and intertenement during all ye dayes of ye said Syr Johnnes lyfytyme qlkes sall nawayes be lesum to him to burdene with ony wodset under reversioun correspondent and agreabill to ye said sowme of tuentie thowsand merkis provyding alwayes yat ye propertie of ye saidis landis or annelrentis sa to be annaleit sall not exceid nor surmount ten for ilk hundreth of ye foirsaid principall sowme permittit to him heirby to tak yairon to ye qlkis alienatiounes to be maid in maner aboveexpremit the saidis mark and his airis sall not only gif yr consentis and assentis bot lykwayes obleisses him and his foirsaidis as heritabill fear of ye saidis landis and uyers abovecontentit principaliter wt consent of his said fayer to sell and dispone ye propertie of ye samen landis or ony pairt yrof annuelrent or annuelrentis furth of ye samen to quhatsumevir persone or persones wt quhome ye said Syr Johnne sall happin to transact yranent in sic forme and maner as thai pleis devyse for yr securiteis quhilkes reversiounnes of ye landis and uyers abovementionat sa to be wodset annaleit and disponit in maner aboveherersit sall be maid and grantit to ye said mark his airis maill and assignais of ye said Syr Johnne his fayeris speciall consent

as lykwayes he sall mak constitute and ordane lyke as he be ye tenour heirof makis constitutis and ordanis ye saidis mark his airis maill and assignais foirsaidis ye said Syr Johnnes lauchfull cessionaris and assignais in and to ye reversiounnes of (BLANK SPACE) and to all uyeris reversiounnes bandis contractis and obligatiounes for makeing and delivering of reversiounnes maid and grantit to ye said Syr Johnne or his predecessouris for redemptioun of ye saidis landis or ony pairt yairof wt ye pertinentis annuelrent or annuelrentis furth of ye samen

surrogand and substitutand ye said mark and his foirsaidis in his full richt titill and place yairof to quhome ye said Syr Johnne sall mak and deliver sufficient lres. of assignatioun in dew and competent forme with all clauses necessar and wt warrandice fra his awin proper fact and deid allanlie

and als ye said Syr Johnne hes maid constitute and ordanit and be yir pntis makis constitutis and ordanis ye said mark and his foirsaidis his verie lauchfull undoutit and irrevocabill cessionar and assignay in *rem suam* in and to all and sundrie lres of takes and assedatiounes uyer richt titill kyndnes and possessioun quhatsumevir quhilks he hes or may pretend in and to ye teynd scheaves of ye saidis landis of dolphingtoun fawlay parochie kirk of lyntoun alsweill personage as vicarage teyndis yairof cowbog quhilks ar heirby expreslie assignit and disponit to ye saidis mark and his future spous for ane pairt of yr pnt. lyfe and intertenement

And gif it sall happin ye said Syr Johnne efter ye expiring of ye takis of ye teynd scheaves of ye landis abovementionat to procure purches new takis yairof in yat cause he is and sall be heirby band and obleist to purches and obtene ye samen maid and grantit be ye makaris and settaris yairof to himselff in lyferent during all ye dayes of his lyfytyme and to ye said mark his sone and apperand air his airis maill and assignais foirsaidis efter ye said Syr Johnnes deceis during all ye yeiris yairin to be contentit

finallie baith ye saidis pairties haveand speciell respect and regaird to ye standing of ye honorabill hous of littildeane and to the continewance yairof and leving of ye samen wt ye surname of ker it is yairfoir convenit and aggreit be mutuell consent of baith ye saidis pairties that gif it sall happin yair be na airis maill (as god forbid) bot airis femellprocreat betuix ye saidis mark and his

future spous in yat caice his airis maill suceiding in ye foirsaidis landis and leving of littildeane ar and sall be heirby preceislle bund and obleist to content pay and thankfullie deliver to ye air femell to be procreat betuix ye said mark and his future spous gif yr be bot ane air femell ye sowme of ten thowsand pundis money of yis realme

and gif yr be twa airis femell ye sowme off auchtene thowsand merkis money foirsaid to be equallie devydit and distributit betuix thame and gif yair be ma airis femell nor twa ye sowme of tuentie four thowsand merkis to be equallie devydit and distributit amangis all ye saidis airis femell for provyding of yame to honorabill pairties in mariage agreabill to yr estaitis and conditiounnes the payment and deliverance of ye quhilkes sowmes sall remane heirby suspendit and unpayit or deliverit to ye saidis airis femellis quhill ilk ane of yame be past ye aige of sextene yeiris compleit for ye quhilkis sowmes of money ye saidis airis femell everie ane of yame now as giff yai war of pirfytet aige and yan as now ar and sall be heirby preceislle obleist and astrictit to renunce resignne quitclame discharge and simplr. overgiff all and haill ye foirsaidis landis and leving lres. of reversioun takes and assedatiounes alsweill of landis as of teyndis and teynd scheaves quhatsumevir yai and everie ane of yame as airis of lyne to ye said mark may succeid togidder alswa with all airschip guidis and geir barnis pairt of guidis and portioun naturall and all uyer movabill guidis guidis and geir quhatsumevir quhairunto yai may succeid be deceis of yr said fayer or may pertene to yame as portioun naturall ony maner of way with all richt titill kyndnes clame kyndnes and possessioun alsweill petitour as possesour quharsumevir qlkes yai and everie ane of yame hes or onywayes may have clame or pnd. in and to ye samen or ony pairt yairof to and in favor of ye said mark and his airis maill in sic sure large and ampill forme as yai pleis to devyse for yr securiteis conforme to ye saidis airis femellis yair awin richt and titill yairoff with warrandice fra yair awin proper factis and deidis allanerlie

and in ye meanetye quhill ye saidis airis femell be provydit wt pairties in mariage the said mark his airis maill ar and sall be heirby preceislle bund and obleist to bring up ye saidis airis femell in vertew sustene and intertene yame honorabillie in burd clething and all uyer thingis agreabill to yair estaitis be ye sicht and avyse of ye lairdis of innerwik and greneheid for ye tyme ay and quhill ye saidis airis femell be provydit to mariages as said is provyding allwayes in caice ye saidis airis femell or ony ane of yame happin not to conjoynd yame selffis in mariage wt pairties agreabill to yair estaitis wtout ye avyse and consent of ye lairdis of littildeane and innerwik and of ayer of yam maist honorabill freindis or yit yat yai happin to oversie yame selffis in geving yr bodies to ony persoun unmareit in yais caices and ayer yairof it is specialie convenit and agreit be conditioun of yis pnt. contract that ye air or airis femell sa failzeand sall forfeit tyne and amit ye tocher abovementionat appointit to yame heirby as lykwayes yr heretabill ryt of ye foirsaidis landis and of all uyer thingis quhatsumevir quhilkes may pertene to yame or quhairunto yai or ony of yame may succeid as airis or exers to yair said fayer

and ye saidis airis maill ar and sall be frie exonerit and relevit of at ye saidis airis femells hands fra thyne furth in tyme cumng for the quhilkes causes ye said allexander hamiltoun of innerwik faytfullie bund and obleist him his airis exers and assignais to content pay and thankfullie delyver to ye said Syr Johnne ker his airis exers and assignais ye sowme of ellewin thowsand merkes money foirsaid at ye termes and in maner followeing

that is to say the sowme of thrie thowsand merkes yairof betuix ye dait pnt and ye solemnizatioun of ye said mariage and ye remanent of

ye foirsaid ... (FADED)[releasing of sowme(INSERTED ABOVE)] aucht
 thowsand merkes in full compleit payment and satisfactioun of ye
 said haill sowme of allewin thowsand merkes obtemper and ye ferd day
 preceeding feist and terme of witsonday nixtocum and yat in name of
 tocher with the said Jeane hamiltoun his dochter
 and for ye mair sure syrving heirof bayt ye saidis pairties ar
 content and consentis yat yir pntis be insert and regrat in ye buik
 of counsall or commisyris buikes of edinr and to have ye strenth of
 ane decreit of ye lords or commisares yrin and yair auctlies
 interponit heirto wt lres ... (UNCLEAR)of poynding warding and
 horneing upoun ane simpil charge of ten dayes allanerlie ye
 executioun of ye ane allwayes to be wtout preiudice of ye uyeris to
 pas heirupoun in forme as efferis And for regratioun heirof
 constitutis ... (BLANK)yr pts coniunctlie and severalie velcors(?)
forma constitutions promiten. derato(?) Requyring yow or ony
 (FADED) as procurators for us pairties abovenominat to compeir and
 in our names consent to ye regratioun of yis abovewrittin contract
 conforme to ye claus of consent heirunto wt gavine boyes syrvitour
 to walter henresoun writer to his maties. signet bayth the saidis
 pairties hes subscrivit ye samen wt yair hands as followes day yair
 place foirsaidis befoir ye witnesses
 Syr James Maxwell of calderwod knyt Syr Johnne Murray ecclestoun
 knyght ye said walter henresoun writer and mr david boyes his
 syrvitor

(Hamiltoun c Ker CS 15/78/2)

[from Register]

ar edinburt 12 aprile 1586, in presence of ye lords of counsall comperit pllie James adamsoun burges of edinburt for himself and Mr Jon mcgill procurator speciallie constitut for margaret gibsoun spous to ye said James and siclyk as procurator for willame adamesoun of graycruik and James adamsoun younger, son to ye said James, cautioners for ye said James eldar, be yis contract underwrittin on ye ane pairt and william bisset chirurgiane burges of edinburt personallie for himmsel and katheren dick his spous on ye uther pairt and gaive in yis contract and appointment following subscrivit with yair hands and desyrit ye samen to be insert and registrat in ye buiks of counsall to have the strenth and effect of ane act and decreit in tyme to cum, thair auctoritie to be interponit yrto with lrs and executorialls to be direct upoun yame for fulfilling yrof

of qlk ye tenor followis

at edinburt 16 februar 1585 it is appoyntit, aggreit and finalie contractit betuix ye pairteis following to witt James adamsoun eldar burges of edinburt lyfrentar of ye lands underwrittin, margaret gibsoun his spous, with ane consent and assent of James adamsoun younger fiar of ye lands underspecifeit as principalls and william adamsoun burges of ye said burt as cautioner and sourtie and full dettour for fulfilling of yair pairt of yis present contract underwrittin in all points on ye ane pairt and willame bisset chirurgiane burges of ye said burt and katheren dick his spous on ye uyer pairt in maner as followis

forsamekle as ye said william bisset and katheren dick at ye making heiroyf reallie and with effect, contentit, payit and delyverit to ye said James adamsoun eldar his said spous and son, ye sowme of twa thowsand merkis guid and usual money of scotland quhairof thai hauld thame weil contentit satisfeit and payit and be thir presentis for yame, yair airs, executors and assignayis, renuncand ye exceptioun of not numerit money and utheris exceptiounis quhatsumever exhoneris quhytclaimes and discharges ye said william bisset his spous, airs, executors and assignayes of ye samyn for now and ever

thairfoir ye said James adamsoun eldar, his spous and James adamsoun younger yair son with consent and assent of ye said william adamsoun yair cautioner takand ye burding upoun him as said is, binds and oblisys yame yair airs etc dewlie and sufficientlie to infett and saise ye said william bisset and katheren dick his spous, ye langest levar of yame twa **in coniunct fie** and ye airs laulie gottin or to be gottin betuix yame, qlkis failyeing ye said william bisset, his airs and assignayes quhatsumever heritablie with all possible diligence be charter and saisine *titulo oneroso* in sic sure and ampill forme as can be devysit in all and haill ane annuelrent of twa hundret merkis to be payit at twa termes furth of ye lands of cowthrophill extending to ane hundret and fiftie aikers presentlie occupeit be James and his spous, lordschip of prestoun, syreffdome of edinburt, constabularie of haddingtoun or ony pairt yrof as william and his said spous sall think expedient to be hauldin of James adamsoun eldar and younger and yair foirsaidis in frie blenche for payment of ane penny gif it be askit allanerlie beginning ye first termis payment of twa hundret merkis at witsonday 1586 and termliie in tyme

cuming and ye said infetment to contene ye expres clauses of warrandice underwritin

lyk as ye said James adamsoun eldar his spous and son and william adamsoun yair cautioner takand ye burding upoun him as said is be ye tenor of yis present contract binds and oblisys yame and ilk ane of yame coniunctlie and severallie yair airs, executors and assignayes to warrand acquet and defend ye said william and katheren his spous and ye langer levar of yame twa in coniunct fie and yair airs and assignayes foirsaidis ye said annuelrent of twa hundret merkis money to be upliftit as said is frie fra all wairdis, relleivis, non entresses, escheitis, forfaltors, **ladies terces** lyvrents, coniunct fies, uyris annuelrents, reductions, feir alienatiouns, privie or publict seasingis, recognitiouns, purprusiounis, lang or schort takis, reclamatiounis, disclamatiounis, taxatiounis, impositiounis, teynd pennyis, fra all alienatiounis of ye haill or maist pairt of ye saids lands or annuelrents furth yrof, of all chance fortunate et vi majore and uyer dangers, clames, obiectiounis, apprysingis and impedimentis quhatsumever bayt bygane and to cum

lyk as ye said James his spous and yair son binds and oblisys yame and yair foirsaidis to mak guid and thankful payment to william bisset and his spous ye langer levar of thame twa yair airs and assignayes of ye said annuelrent of twa hundret merkis ... until ye laul redemptioun of ye samyn

as alsua in cais ye said william and his said spous and yair foirsaidis sall think it expedient and sall caus ye tennnents of ye saids lands of cowthrophill yat sall happin to be at ony tyme herefter, becum actit and oblist coniunctlie and severallie, yair airs, executors and assignayes for yeirlie and termlie payment of ye said annuelrent as said is

and ye said william bisset, katheren dick his spous immediatelie efter yai be dewlie infet in ye said annuelrent in maner foirsaid sall for redemptioun yrof mak, seill, subscrivye and deliver to ye said James adamsoun eldar, his son and yr airs sufficient lrs of reversioun contenand ye said sowme of twa thowsand merkis in fyne silver, guid and usual money of yis realme haifand cours within ye samyn hard heidis stampit, pennyis, plackis, auchtpenny peces, new plackis and bass money being alwayis exceptit to be payit to ye said william, katheren dick his spous, ye longest levar of yame twa, yr airs and assignayes within sanct geillis kirk of edinburt upoun ye premonitioun of fortie dayis warning yat ye day appointit for ye said redemptioun be at ye leist fortie dayis immediatelie befoir ye terme following ye samen and ye consignatioun to be in ye thesaurer or dene of gildis hands in edinbuurt for ye tyme in cais of absence or refuses and yat ye byrins of ye said annuelrent of twa hundret merkis be first compleitlie payit or consignit with ye said principal sowme of twa thowsand merkis to be furthcumand to ye said william and katheren ye langer levar of thame twa in coniunct fie, yr airs and assignayes, and ye redemptioun, be vertew of of ye said reversioun salbe suspendit for ye space of four yeiris compleit efter ye dait of ye samen

and in cais ye said william bisset and katheren dick his spous, ye langer levar of yame twa, yr airs and assignayes foirsaidis pleises to have ye said sowme of twa thowsand merkis money foirsaid rather than ye said infetment at ony tyme efter ye said space of four yeiris during ye qlk ye effect of ye said reversioun is suspendit being compleitlie outrun than in that cais ye said James adamsoun

eldar, margaret gibsoun his spouse and James adamsoun younger yair son and ye said william adamsoun yair cautiouner and yair foirsaidis coniunctlie and severallie salbe haldin to redeme ye said annuelrent of twa hundret merkis be payment to ye said william bisset and katheren dick his spous ye langer levar of yame twa, yair airs and assignayes of ye said sowme of twa thowsand merkis with byrins that sal happin to be awand for ye tyme, conforme to ye said reversioun, warning being maid to ye said James, his spous and son and yair cautiouner or ony of yame coniunctlie and severallie or yair foirsaidis personallie in or at yair dwelling places for ye tyme be ye said william, his spous and foirsaidis or ony uyris in yair names upoun premonitioun and warning of fortie dayis of befoir to yat effect

atttour, in cais it sal happin ye said william, his spous or foirsaidis to mak resignatioun of ye said annuelrent in favor of ony uyr persone for infetment heritable or lyfrent yrof to be given to yame, ye said James, his said spous and yair son and foirsaidis sal ressave ye said persone or persones in quhais favors ye said resignatioun salbe maid and gif yame securitie, contract and infetment of ye said annuelrent as ye said william and his spous sall now have of ye samen and als sal enter and ressave yair airs, executors and assignayes efter yair deceis frielie be precept of **clare constat** or uyrwayes

lyk as als ye said william and katheren and yr airs efter yr deceises notwithstanding yair non entrie sall incur na danger yrthrow but salbe anserit of ye said annuelrent als weill not being infet as infet yrintil and yair non entrie salbe naways prejudiciall to yame yranent

and ye said James adamsoun eldar margaret gibsoun his spous and James adamsoun younger yr son, binds yame yr airs, executors and assignayes to warrand releive and keip skaytles ye said william adamsoun yair cautiouner abovewrittin of all that may follow yrupoun in tyme cuming and heirto bayt ye saidis pairteis and yr cautiouner binds thame and yair foirsaidis in maner abovespecifeit

and for ye mair securitie ar content and consents that thir present contract be actit and registrat in ye buiks of counsall, commissary and townis buiks of edinburt and ather of yair decreits and auctoritieis to be interponit yrto with letteris and executorialls of warding, poynding and horning upoun ane simple charge of sex days allanerlie, ye ane but prejudice of ye uther, be direct yrupoun as salbe desyrit

and for registratioun heirop maks, constitutes and ordanes Mr Jon mcgill and ilk ane of yame at ony dayis and places laull and in yair names to consent to ye registering heirop in *ulteriori* [?] *constitutionis forma promittan derato* [?] *decreto*

in witnes of ye qlk thing bayt ye saidis pairteis and cautiouner hes subscrivit yis present contract with yr hands as followis

day yeir and place foirsaidis

befoir yir witnesses walter adamsoun and Jon adamsoun younger, burgeses of edinburt, James adamsoun and abacuck bisset wryter, notarius publicus

sic subscrivit ... at ye pen led be ye noter with my hand becaus I can not wryte myself

Ita est abacuctus bisset etc

*Extractum de libro actorum per me magistrum alexander hay de eister
kennet, clericum rotolarum regri ac consilii SdRegis sub meis signo
et subscriptione manualibus*

in katheren bisset laull dochter and ane of ye twa airis portioneris
of umquhile william bisset hir father and als as sister and air of
umquhile abigaill bisset quha was ye uyr dochter laull of ye said
umquhile william, pairteis contracteris abovewrittin

and in James elphinstoun of wodsyde now hir spous for his entres
active and in Mr william adamsoun now of graycruik, son and air of
ye said umquhile william adamsoun of graycruik his father **passive**

and decernes and ordanes siclyk proces, lrs and executorialls at ye
instance of katheren bisset, dochter and air and sister and air
foirsaid and hir said spouse for his entres agains ye said Mr
william and James adamsounes for fulfilling of ye haill heids etc of
ye said contract and decreit interponit yrto to ye said katheren
bisset and hir spous for his entres as myt or sould have bene led,
direct and execut at ye instance of umquhile william bisset and
katheren dick his spous, pairteis contracteris, in cais yai war yit
on lyffe

and als conforme to four instruments of seasine underwrittin viz

ane instrument of seasine under sign and subscription manuel of
James iustice, notary publict, beirand katheren bisset to be infeft
as ane of ye twa airs portioneris of ye said umquhile william bisset
hir father in ye iust equal half of all and haill ane annuelrent of
twa hundret merkis furth of ye lands of cowthrophill be vertew of
ane precept of **clare constat** direct be James adamsoun eldar, burges
of edinburt, James adamsoun younger his son, superiors of ye said
annuelrent for yat effect 11 august 1590

...[as above] beirand katheren bisset to be infeft as onlie air of
umquhile abigall bisset hir sister in ye iust equal half of ane
annuelrent of twa hundret merkis to be upliftit furth of ye lands of
cowthrophill be vertew of ane precept of **clare constat** ... [as
above] 2 merche 1590

...[as above] beirand abigall bisset ...[as above] 21 august 1590

under ye sign and subscription manuel of Mr alexander guthrie
commoun clerk of edinburt beiring seasine givin be ane of ye
baillyeis of ye burt of edinburt to Mr william adamsoun now of
graycruik as son and air of umquhile william adamsoun of graycruik
his father, burges of ye said burt, of ane annuelrent of thrie pundis
money yeirlie to be upliftit furth of lands pertening to william
halkerstoun, burges of ye said burt, lyand in ye hie streit of ye
said burt on ye south syde yrof callit ye cowgait betuix ye lands of
ye airs of umquhile walter chopman on ye eist and ye tenement of
land of umquhile Jon adamsoun and cristiane lamb his spous on ye
west, penult mai 1600

all schawin to ye Lords qlkis with ye foirsaid contract and
appointment previt ye points of ye summons sufficientlie as was
cleirlie understand to ye lords

thairfoir thai transferrit in maner foirsaid

katheren and James elphinstoun of wodsyde comperand be Jon haliday

Mrs william and James adamsouns his son [oft callit] and not
comperand

lrs to be direct gif neid beis

CS7/191/126v(Elphinstoun c Adamsoun)

[from Register]

...sara keyth and her spous John Keyth in Cawtown alleging that sche had ane privat seasing of coniunct lyfrent of the said inland[=in Aberdeen, the inner portion of a tenement]of ye vennell qlk seasing sche qyettlie keipit clois unreveillit and schawin during hir umgle husbands lyftyme, quha sauld and disponit the saids lands to the persewar, patrik gray, burgess of aberdein, yit sche and the said Johnne keyth now hir spous for his entres hes nevir biggit nor repairit the samen lands but suffers thame to decay becum ruinous and unprofitable to the persewar direct contrair the act of parliament yranent, charging thairfoir the proveist and bailleis to call back the said personnes befoir thame and to tak cognitioun in the matter be vertew of qlks lrs baith pairteis being summond to compeir ... the persewar pllie pnt and sara keyth and hir spous comperand be yr procurator, the bailleis of the said burt referit the said matter to the cognitioun and knowledge of ane condigne assiyis of famous personnes, chosin sworn and admittit in iudgment quha acceptit the said matter upoun thame and past to the ground of the said inland, visitit and considderit and found that the said inland is failyeit and becum ruinous in ye wast gavill wall and haill remanent gavills and also in the ruiff and the samen is nather watertight nor windtight

and that the samen land was worth the soume of 300 merks to the qlk soume the saids assys comprysit ye said inland and thairfoir the saids bailleis of the foirsaid burt be yr decreit and intente 17 Junii 1596 ordanit sara and John keyth now hir spous to brit mend and reparrell big and uphald the tenement and land sufficientlie upoun yr expensses during all the dayis of sarais lyftyme siclyk and in the samen estait as the said hous and tenement wes of befoir the tyme of hir entrie extending to the valor and worth of 300 merkis and to find sufficient caution to that effect wtin 15 dayis conforme to the act of parliament with certificatioun if sche failyeit ye said 15 dayis being bypast that sche sould be decernit to tyne and amit all ryt and titil that sche hes or may have or clame of ye said inland wt all maills profits and dewteis during hir lyftyme and the said persewar to be enterit to ye possession yrof as his propre heritage and infetment and ryt of the samen according to the act of parliament and lrs direct yrupoun as in the act and decreit gifen be the bailleis at mair lenth proportis bot als yeir and day is now of lang bygane sen sara and hir spous wer decernit be ye bailleis to big reparrell uphald upoun yr awin expensses and sara and hir spous hes failyeit in ye premisses in not bigging britting mending thairfoir sche and hir spous hes amittit and tint and sould be decernit be decreit of the lords to amit and tyne all ryt titil and entres and the persewar to be enterit to the possession conforme to the infetment of the samen efter the tenor of the act of parliament and decreit of the saids bailleis

CS7/190/355r(Gray c Sara Keith)

[from Register]

anent the lrs purchast at the instance of andro edmostoun of that ilk agains cristiane ker relict of umquhile sir John edmoustoun of that ilk makand mentioun that cristiane ker alleges that be contract be umquhile ser John and himself 23 July 1596, registrat in the buiks of counsall 15 december last, andro band him, his airs etc to have payit cristiane and failyeing of hir be deceis to issobel edmounstoun, laul dochter procreat betuix her and ser John, the sowme of 2000 mks betuix dait of contract and mertinmes nixt and to receive thame in houshald with himself and to enterteine thame during the space that cristiane suld happin to remain wedow alanerlie and the said andro refuses to fulfil the said contract

the said cristiane be uyr lrs has causit charge him to pay 2000 mks and als to enterteine hir in houshald with himself conforme to the contract under pane of rebelloun etc maist wrangouslie becaus the sowme foirsaid is destinat be the said contract to be bestowit and imployit upoun land or annuelrent as maist commodiouslie may be had for infeftments to be given to cristiane ker in lyfrent and to issobel edmoustoun hir dochter and airs in fie heritable as yat half of the said contract remaining with andro will testifie

and sua the said cristiane is but lyfrenter of the said sowme and aucht to have the the profeit and commoditie of the same allanerlie during hir lyftyme

and trew it is that andro hes maid payment of the said annuelrent yeirlie and is content to do so during hir lyftyme and hir said dochter in fie heritable and to infeft and delyver to thame sic sufficient infeftments ryts and securities as the lords sall think expedient, redeemable always to him and his airs upoun payment of the said sowme of 2000 merks

and as to that pairt of the said charge qrby he is chargit to receive the said cristiane and hir said dochter in houshald with himself and to interteine thame during the tyme of hir wedowheid, it is trew that the said cristiane hes removit herself furth of the said androis hous and is relaps in fornicatioun and hes borne twa bairns, ane of thame to niniane chirnsyd and the uyr to - muir, and swa hes defylit herself in respect qrof the said andro can not be haldin to interteine ane fornicatrix in his hous and he hes ever sen the deceis of his said umquhile father entertenit the said issobel hir dochter in houshald with himself, lyk as he intends to enterteine hir in tyme cuming, albeit not oblist yrto be ye said contract

thairfoir the said lrs are wrangouslie execut agains him and yit for eschewing the danger of horning the persewar hes consignit ane sufficient charter contening precept of seasing of ane yeirlie annuelrent of 200 mks furth of the lands and baronie of edmestoun to cristiane in lyfrent and to the said dochter in fie and to fulfil to cristiane the said contract

anent the charge to the defenders to bring the [contract etc]

the complener comperand be Mr alexander king

cristiane ker comperand be Jon haliday quha declarit that he chargit the complener only for 2000 mks and the annuelrents yrof

the lords finds the lrs purchast be cristiane ker orderlie proceidit and decerns the complener to mak payment of 2000 mks and annuelrent and ordanes cristiane ker to find sufficient caution actit in the buiks of counsall at the receipt of the said sowme that the said sowme salbe furthcumand to the said issobel efter hir deceis and lrs to charge andro to pay ten pundis and 40s to the collector

CS7/192/20v (Ker c Edmestoun)
[reg 5 July 1600]

ANDRO EDMESTOUN SEEKS SUSPENSION OF LETTERS OF HORNING

[from Register]

... and cristiane ker alleges that the persewar will mak hir na payment of the said sowme and that the contract is registrat in the buiks of counsall and yrwt hes causit the persewar to mak hir payment under pane of rebelloun and for diobedience intends put him to the horne maist wrangouslie

becaus be the mynd and tennor of the said contract the said sowme is destinat to the weill of issobell edniestoun efter the deceis of cristiane swa that sche aut allanerlie to have the commoditie yrof during hir lyf tyme

trew that the persewar hes maid hir payment of ane competent annuelrent continuellie sen the tyme appointit for payment be the said contract lyk as he is content to pay hir annuelrent yeirlie in tyme cuming and to mak hir ane sufficient securitie yrupoun for it is verie difficill to the persewar wtin termes to provyd sic ane sowme in respect of the grypt skairsity of the mony this tyme and gif sche had the samen in hir hands sche wald gif it furt upoun profite qlk the said persewar lykways is content to gif hir with sufficient securitie as said is

and furdur sche aucht naways have the said sowme to be delyverit to hir becaus the samen is destinat be contract to be wairit upoun lands or annuelrent for infetment to hir in lyvrent and to hir said dochter in fie heritable swa that the propertie of the said sowme and annuelrent pertens to issobell and the lyvrent of the samen to the said cristiane allanerlie

and gif the said persewar suld be compellit to mak hir payment of the sowme sche will not faill schortlie to consume the samen, being ane woman as is knawin to the lords quha dois not honestlie nor dois not behaive hirself honestlie

thairfoir the persewar aut naways to be compellit to mak hir payment of the said sowme but ane competent and yeirlie annuelrent and dewtie yrfoir at ye leist befoir the receipt of the said sowme sche aut to have fund sufficient and responsall caution actit in the buiks of counsall and the persewar aut to be warnit to sie the samen caution fundin to mak the samen sowme furthcumand to issobell, fear yrof efter hir deceis ...

...the lords finds the lrs purchast at the instance of cristiane ker agains the defender orderlie proceidit ...

CS7/192/133v (Ker c Edinestoun[?Edmestoun])
[reg 30 July 1600]

[from Register]

[Lrs obligatour at edinburt last maii 1599 ...defenders band them coniunctlie and severallie to pay the sowme of £40 betuix the dait of the lrs and 10 november nixt now past to fulfil the conditiouns and articles in ye lrs obligatour qrin there is ane special claus and consent that the samen salbe insert and regrat in the buiks of counsall and lrs and executiouns to be direct yrupoun...]

Be it kend to all men ... me James betoun ... I am bundin to pay to cristiane betoun my sister dochter procreat betuix david betoun and luceis betoun 600 merks to the help and supplement of hir mariage quhen it sal happen and in sa far as I presentlie mynd god willing and am agaitward to france for sundrie guid respectis moving me and that yrby it lykis better cristiane to remane and be company with the said luceis hir said mother and andro wischart of mylnden hir father in law nor in household with my familie ... thairfoir James betoun as principal and george campbell as cautioner and full dettour for me faithfullie oblises thame to pay and deliver to cristiane betoun 40 pounds betuix the present and 10 november for hir sustentatioun this present yeir 1599 to witsonday 1600 and yeirlie ay and ql my returning in scotland togidder with ten pounds for registratioun thir pntis in cais we move hir yrto be nonpayment at the said day and 3 pounds for ilk charge yat salbe usit throw or default of nonpayment

and for observing hereof we ar content and consents that thir pntis be insert and regrat in the buiks of counsall and sessioun to ressave executioun of poynding warding and horning the ane without preiudice of the uyr allanerlie and to that effect constitut Mrs ... attour we requeist or said procuratours or ony of thame to consent and compeir in or names to the said registratioun to the effect abovewrittin

granent thir pntis salbe ye warrand

in witnes grof ... writtin be Jon craill subt wt yr hands at edinburt last maii 1599 befoir thir witnesses

alexander bischope of brechin adame menzeis of brechequhyte and Jon craill NP

sic subscribitur James betoun of melgound george campbell of crinane A brechin witnes J craill witnes

CS7/186/252r(Campbell c Betoun)

... shown to us be James mureheid in badschaw that quhair thair was ane contract perfyttit betuix him and william creichtoun of drumcorss maynis, umquhile Johne ramsay in wester bangor and takand the burding on thame for Jonet ramsay sister to ye said Johne on ye uyer pairt at the kirk of bartramschottis 19 Mai 1585 anent ye mareage than contractit and yrefter solempnizat betuix the complener and Jonet ramsay now his spouse be vertew of quhilk contract of mareage ye said william creichtoun and Jonet ramsay oblist yame coniunctlie and severallie yair airs and executors to have payit of tocher with Jonet to ye complener and his executors and assignayis 600 merkis in tocher in penny and pennieworthis at thir termis following viz. 300 merkis betuixt dait and completing of ye said mareage uther 300 merkis at certane termis set down in the contract now of lang tyme bypast and divers uyer heids conditiounis articles and clauses at lenth specifeit and set down in ye said contract quhairintil also thair is ane special mutuall and expres claus and consent of ather of ye saids pairteis that ye samen salbe insert and regrat in or buiks of council and decernit to have the strenth of ane act and decreit of ye lords yrof ... and albeit ye contract was nather fulfillit be umquhile Johne ramsay to ye complener nor yit regrat in or buiks of council according to ye claus ... at na tyme preceiding his deceis notyeles william creichtoun and uyr of ye pairteis above yit onlyff not onlie wrangouslie refuses to fulfil to ye complener but als to compeir befoir ye lords of council and consent to ye registratioun yrof in or saids buiks of council to the effect that executioun may pas yrupoun at ye instance of ye complener agains him for fulfilling of ye samen without he be compellit

CS15/78 (Mureheid c Creichtoun).

[from Register]

... to heir it declarit be decreit of the lords that umquhile nicoll spens was born bastard and sua deceisit without ony airs laullie gottin of his bodie or laul dispositioun maid be him of his guidis and geir in his awin tyme

and that thairthrow all and sundrie guidis and geir sowmes of money and uys moveables qtsuemever qlk pertenis to umquhile nicoll spens tyme of his deceis fell and became in his hienes hands and at his gift and dispositioun be reason of escheit and that the same hes pertenis and now pertenis to the said donator yrto ...

... it was allegit be issobell burrell that sche aut to be simpliciter assoilysit fra the points of the summons becaus sche offers to preve that be the space of 50 yeirs syne or yrby umquhile Jon spens and katheren cowper alias melveill father and mother to the said nicoll spens war mareit at ye leist war reput and hauldin as mareit folkis be dwelling and cohabitatioun togidder and using of thamselvis as mareit folkis be ye space of tua ot thrie yeiris togidder immediatlie preceeding yair deceis and thairfoir the said umquhile nicoll spens yair son can na wayis be estemit bastard

secundlie it was allegit be the defender that sche aut to be assoilysit fra the points of the summons becaus sche offerit to preve that sen the deceis of umquhile nicoll spens, margaret Johnstoun is servit and retorit narrest and laul air to umquhile nicoll and thairfoir it can not be estemit that umquhile nicoll deceist bastard

CS7/189/89v (Spence c Burrell]

[from Warrants and Decreets]

JAMES be ye grace of god king of scottis to oure lovittis (BLANK)oure syreffis in that pairt coniunctlie and severallie (FADED)constitute greitting

forsameikle as it is humlie meanit and schawin to us be oure familiar clerk and counsalloure maister thomas hammiltoun of drumcarne oure advocat for oure interes and als be oure lovittit willame spens sone lauchfull to george spens wrytter burges of oure burghe of edinburghe oure donatour underwritin and the said george spens his father as lauchfull administratoure tutoure and gydar and governoure to him for his enteres

THAT quhair we be oure utheris lres of gift under oure privie seall off the dait AT halyrudhous the fyiftene of december instant haif gevin grantit and disponit to the said willame spens oure donatoure foirsaid his airis or assignayes all or haill actiounes decreittis sentences reversiounes jowellis gold silver cunzeit and uncunzeit and utheris gudes and geir quhatsumever, quhilkis pertinit of befor to umquhyle nicoill spens tailyeor burges of oure said burghe of edinburghe and now pertening to us fallin and becumyn in oure handis and at oure gift and dispositioun be ressoun of escheit be the lawes of oure realme and privlage of oure croun grantit upoun the escheit of bastardie, throw being of the said umquhyle nicoll borne bastard and sua deceissand without ony airis lauchfullie gottin of his bodie or other lauchfull dispositioun maid be him of his gudes and geir in his awin tyme as oure said utheris lres of gift of the dait foirsaid at mair lenth proportis

BE VERTEW quhair of the said willame spens oure donatoure foirsaid and the said george his father administratour tutour gydar and governour to him for his entres hes gude and undouttit ryt to all and sundrie gudes geir movabill and unmovabill debtis sowmes of money takis steddingis rowmes possessiounes and utheris gudes and geir quhatsumever quhilkis pertinit to the said umquhyle nicoll spens the tyme of his deceis quhilk wes in the monethe of (BLANK)the yeir of god M vct fourescoir nyntene yeiris and they aucht to be anserit obeyit and payit thairof and the intromettours thairof and utheris addettit in payment of the samyn to be decernit be decreit of the lords of oure counsale to mak payment and delyverance to thame thairof, togidder with the haill contractis bandis obligatiounes and uther wryttis and securiteis maid be thame to the said umquhyle nicoll upoun ony debtis or sowmes of money borrowit be thame fra him, to the effect that he may sute proces and executioun thairupoun

AND howbeit it be of veritie that issobell burrell relict of the said umquhyle nicoll be speciall and principall intromettour with his haill gudes geir insicht plenishing jowellis sowmes of money contractis obligatiounes and uthreis wryttis and securiteis appertening to the said umquhyle nicoill the tyme of his deceis and lykways thair is divers utheris persounes quha hes intromettit with the samyn and ar addettit in payment thairof quhilk will properlie appertene to oure said donatoure of the quhilkes (FADED)will mak hir na payment nor delyvrance without thay be compellit

OURE WILL IS heirfoir and we charge yow that ye lauchfullie summond warne and charge the said issobell burrell relict of the said umquhyle nicoll personallie or at hir dwelling place and all utheris haifand or pndand to haif entres in the said mater be oppin proclimatioun at the mercat croce of or burghe of edinburghe and utheris places neidfull to compeir befor us and oure counsale at edinburghe or quhair it sal happin us to be for the tyme the tuentie

day of Januar instant gif it be lauchfull and failyeand thairof the
 nixt and frie day thairefter following in the houre of caus with
 continewatioun of dayes to anser at the instance of oure said
 advocat and the said william oure donatoure foirsaid and his said
 tutour and administratour abovewrittin for his entres that is to say
 the said issobell and all utheris haifand or pndand to haif entres
 as said is to heir and sie it be fundin and declairit be decreit of
 the lordis of oure counsale, that the said umquhyle nicoll **wes borne**
bastard and sua deceist the tyme foirsaid without ony airis
 lauchfullie gottin of his body or uther lauchfull dispositioun maid
 be him of his gudes and geir in his awin tyme and that thairthrow
 all and sundrie gudes geir debtis sowmme of money and utheris
 movabillis qtsumever quhilkis pertent to the said umqll nicoll the
 tyme of his deceis fell and became in oure hands and at oure gift
 and dispositioun be ressoun of escheit, and that the samen hes
 pertent and now pertenes to oure said donatour thairto as conforme
 to thair said gift and thairfoir the said issobell burrell and all
 utheris persounes foirsaid intromettoures with the said umqll
 nicolls gudes geir and wryttis or addettit to him in ony wayes and
 all utheris haifand or pndand to haif entres as said is to heir and
 sie thame decernit be decreit foirsaid to reddilie anser intend obey
 and mak thankfull payment and delyverance to the said donatour and
 his said father and administratour for his entres of all and sundrie
 gudes geir moveabill and unmoveabill debtis sowmme of money jowellis
 gold silver and utheris moveabillis quhatsumever quhilkis pertent
 to the said umquhyle nicoll the tyme of his deceis togidder with the
 haill contractis writis and utheris securiteis appertening unto him,
 to be intromettit with usit and disponit upoun be thame as thair
 awin proper gudes geir and wryttis at thair plesoure conforme to the
 said gift and according to iustice and for coistis and skaithis to
 be sustenit be the saidis compleneris thairthrow and farder to anser
 at thair instance in the said mater in sa far as law will, makand
 intimatioun to the saidis defendaris that quidder thay compeir or
 nocht the saidis day and place with continewatioun of dayes we and
 the saidis lordis of oure counsale will proceid and minister iustice
 in the said mater in sa far as we may of law

ATTOUR that ye lauchfullie summond warne and charge to be tabulat in
 oure tabill and callit be the ordoure thairof to compeir befoir us
 and oure counsale the saidis day and place with continewatioun of
 dayes to beir leill and suthfast witnessing in sa far as they know
 or salbe speirit at thame in the said mater, with all hiest pane
 and charge that efter may follow as ye will anser to us thairipoun

the quhilk to do we commit to yow coniunctlie and severallie oure
 full power be thir oure lres delyvering the samen be yow dewlie
 execut and indorsat agane to the berar
 Gevin under oure signet at edinburghe the aucht day of Januar and of
 oure regne the threttie thrie yeir 1600

Ex deliberatione dominorum consilii

Alayng
 xjarii

W spens(SIGN for W.S.)

CS15/78/44 (Spens c Burrell)

[from Register]

anent lrs purchast at the instance of george quhitheid broder germane to philip quhitheid of kincavilll park agains Jonet craig laul dochter to Mr Jon craig minister makand mentioun that qr Jonet allegand hir to have obtenit ane decreit befoir the commisser of einburt agains the persewar decerning and ordaning him to solempnizat and compleit the band of matrimonie wt hir in face of haly kirk and to treat and intertein hir at bed and buird as his laul spous

grupoun the said Jonet hes rasis the said commisseris precept and for obedience yrof hes purchast lrs be deliverance of the said lords of counsall in all four formes and yrwth hes causit charge the persewar to solempnize and compleit the band of matrimonie wt hir wtin certane schort space under divers panes and last under pane of rebelloun and putting of him to the horn and for not obedience of the commisser yrof the said Jonet intends to caus put him to the horn maist wranguslie

considering the lrs are execute agains the persewar as proceeding upoun ane decreit obtenit be Jonet agains him maist inordorlie in respect of ane allet promeis of marriage maid be him to hir and carnal copulatioun betuix thame

qlk decreit is pronuncit agains the persewar agains all pratiq and consuetude of this realme ,forder the persewaris non comperance befoir thame at ane certane day bygane to haif given his aith upoun the allegit promeis, the persewar nevir being laulie summond nather pllie nor yit at his place of residence for ye tyme to haif comperit befoir the commisser for giving his aith, the persewar being resident for the tyme at the abbay of Lesmahago qr he remanit all the tyme of the dependance of the foirsaid actioun divers monethes yrfter and lang of befoir as was weill knawin to the said Jonet for gif at any tyme he had bein pllie pnt at his place of residence and bein summond to haif comperit befoir the commisser for giving of his aith he wald haif comperit befoir thame lykas he is reddy to geif his aith of veritie quhatsumevir hour the lords of counsall pleises appoint

seeing the persewar was nevir laulie summond etc he hes intentit reducioun yrofand gif it salbe fund that the persewar aut to compleit the band of matrimonie he salbe content to do the samen and hes fund cautioun in presence of the lords, thairfoir the lrs of horning suld be suspendit simpliciter upoun the persewar

...the lords suspends simpliciter the lrs of horning becaus the ressonnes of suspensioun being referrit to the persewaris aith he declarit yat albeit he had carnal copulatioun wt the said Jonet yit nevirtheles he nevir maid ony promeis of marriage to hir as he sould anser to God

CS7/190/267v(Quhitheid c Craig)

[from Register]

In the actioun persewit at the instance of alexander hammiltoun of innerweik sumtyme spous to margaret quhytlaw eldest laul dochter and ane of thrie airis portioneris of umqle patrik quhytlaw of yat ilk, and having ryt during margaretis lyftyme to all the landis pertening to hir as ane of thrie airis potioneris be the courtasie of scotland and also be vertew of ane decreit and declarator in favor of alexander proceeding upone ane decreit of divorcement given and pronuncit betuix him and the said margaret in hir default befor the commiser of edinburt and sua having sufficient entres to persew the action efterspecifeit for hir pairt,

issobell quhytlaw ye secund of the thrie dochteris and airis portioneris and andro ker of rolmanno grange hir spous for his entres for thamselffis and as haveing richt to ye land underwritin and to persew the warning and actioun of removing be yr awin richt for yr awin pairtis

and als to preive the said actioun and warning for the pairt of marie quhytlaw thrid dochter and youngest be vertew of ane [?] of excambioun past betuix the persewaris and the said marie and umqle hercules stewart, brother to frances erle bothwell sumtyme hir spous on the uyr pairt, and the said marie quhytlaw for hirsell be hir awin richt and for hir awin pairt

agains umqle sir johnne carmichaell of yat ilk, knyt, hew carmichaell fear of yat ilk and umqle abigell baillie his spous

makand mentioun that qr the saids margaret issobell and marie quhytlawis haveand the tyme of the warning the lands and pertinentis underwritin pertening to thame in heritage as the infeftmentis and seaisings beiris, the said margaret with consent of andro ker than and as yit hir spous, and marie with consent of hercules stewart than hir spous befor the feist of witsonday 1586 causit warn ser Johnne carmichaell of yat ilk and hew carmichaell his son and than apperand air pndit tenantis and occupieris of the land of oversydsyrff alias sentoun tour and land yrof with pertinentis, syrefdome of edinburt and constabularie of haddingtoun to have flittit

nevertheless hes violentlie occupeit etc and will not desist without they be compellit

thairfoir the saids persones to have comperit as in the lrs of removing 19 november 1593, acts, lrs and haill proces led etc in the lyftyme of umqle ser johnne carmichaell and umqle abigail baillie spous to the said hew and in the walkyning yrof rasit be ye said alexander hammiltoun of innerweik and andro ker of rolmanno grange agains the said hew carmichaell now of yat ilk efter the deceis of his father and spous of 10 december instant

the persewaris comperand be Mrs johnne scharpe and rot lintoun quha declarit that they suld let not the defenders to be removit from the tour of sentoun at yat tyme bot onlie insistit agains thame to have thame removit fra ye land of oversyidsereff uyrwayis callit sentoun tour as the summons beirs

the defenders comperand be Mrs thomas craig and Johnne russell

the lords ordanis ser hew carmichaell now of yat ilk to flit fra oversydsereff alias callit sentoun tour to be bruikit be ye persewaris viz alexander hammiltoun of innerweik havand undoutit ryt to the said margaret quhytlaw sumtyme his spous hir thrid pairt

and be issobell quhtylaw and hir spous and marie quytlaw as in yr awin proper heritage as the infeftments ryts and titils and warning

Becaus on 14 december 1593 it was allegit be Mrs thomas craig and johnne prestoun advocats for the pairt of umgle ser johnne carmichaell of yat ilk, hew carmichaell hir son and umgle abigail baillie spous to hew, aucht not to be decernit to remove becaus ser johnne was infeft in the land libellit haldin of the kings maties sene his perfytt aige the said land having cum in his hienes hands throw the sentence and doom of forfaltour ordorlie pronuncit agains the author for the cryme and uyr offences allegit committit be him in the commoun caus upoun the difference of ye authoriteis

it was ANSERIT be Mr johnne scharpe for the persewar that the allegiance aucht to be repellit be ressoun the forfaltour was annullit be the thrie estaits of parliament and the thrie airs restorit *in integrum* in october 1579, to the quhilk patrik the saids margret issobell and marie quhytlaws ar not onlie servit and retournit airs in his lands and heritage bot also is restorit as airs to him lyk as in yr service the said ser johnne carmichaell having comperit and productit his awin seasing and appetit[?]agains the samen, thay wer servit and retourit airis to yr said umgle father notwithstanding yrof, and alexander hammiltoun of innerweik sumtyme spous to margret having ryt during hir lyfytyme be ye courtassie of scotland and be ane declarator gevin be ye lords of counsall proceiding upone ane decreit of divorcement gevin betuixt thame to all lands and uyris quhatsumever pertening or that may pertene to margret as ane pairt of thair airis portiounis hes sufficient interes to propone the said reply foundit upoun the said act of pacificatioun grantit to the said margret sumtyme his spous for hir pairt

DUPLYIT be Mr thomas craig that quhatever ye kingis matie and estaits of parliament hes done in his minoritie to the preiudice of the patrimonie of the croun and rent yrof, the samen is in the parliament haldin at edinburt 29 july 1587 be his matie revokit and ye estaites of parliament hes decernit the samen to be null and of nane availl force nor effect
But trew that restitutionoun of umgle patrik quhytlaw and pacificatioun grantit to him wes done in his hienes minoritie, and to the preiudice and hurt of the rent and patrimonie of the croun and thairfoir ye restitutionoun of ye said patrik is null etc
Attour in ye ratificatioun of the said restitutionoun and pacificatioun maid in the samen parliament, thair is ane expres claus that pacificatioun suld not be extendit to ony land haldin of his hienes bot onlie haldin of uyr superiors, and declaratioun maid be his matie annd estaits in ye samyn that ye pacificatioun grantit in favors of the airis of umgle patrik quhytlaw at onie tyme befoir or yrefter suld not be extendit to ye land etc of eist sentoun callit sentoun tour or oversydsereff

TRIPLYIT be Mr johnne scharpe that ser johnne carmichaell cannot be hard to mak the said duply foundit upoun the act of parliament maid anent ye revokatioun of ye said act of pacificatioun grantit in favor of ye airis of patrik quhytlaw be ressoun that quhen the samyn pacificatioun wes grantit be his matie and estaits to the airs in october 1579 the kingis matie having respect to ser johnne carmichaells guid service and expensses debursit be him upoun the said lands and leving of quhytlaw, his hienes wald not suffer the said pacificatioun to pas fordwart unto ye tyme the said ser johnne had bein satisfeit be ye saids airs of the samen expensses, and for

tis purpois willing to compone and dress ye matter amicable with advyse and consent of divers of his counsall and speciallie of andro erl of rothes and william douglas of lochlevin now erle of mortoun, in november nixt following ye saids airis restitutioun decernit ye said andro erl of rothes and william douglas of lochlevin takand ye burdein on thame for ye saids airis of quhytlaw to pay the sowme of ten thowsand merkis to the said ser johnne carmichaell at witsonday nixt efter ye dait of ye decreit and efter ye resait of ye said sowme decernit ser johnne to remove all richt titil and possessioun qlk he micht pretend or clame to ye leving of quhytlaw and land in favor of ye said airis of quhytlaw and of ye said alexander hammiltoun spous to margret for ye tyme, and ordanit ser johnne of his awin consent to flit at witsonday nixt efter payment, and the said sowme of 10,000 merkis being payit to him, that his hienes decreit fra then furth suld haif the strenth buith of ane decreit of redemptioun and removing

qlk sowme the said ser johnne ressavit and renuncit all richt titil and possessioun as the tenor of the said decreit satisfait in all points [beirs]

secundlie ALLEGIT be Mr thomas craig that ser johnne carmichaell and remanent defenders aucht to be simpliciter assoilseit becaus sen the foirsaid decreit arbitrall allegit gevin be his matie wt avyse foirsaid betuixt ser johnne carmichaell and the airis of quhytlaw, the said ser johnne is infest in ye land libellit be umgle archibald erl of angus and be vertew yrof in possessioun, to ye qlk erl of angus and in quhais favouris ye saids airis of quhytlaw efter ye said restitutioun in october 1579 renuncit all richt and titil qlk thai had or micht have in and to ye saids lands libellit and thairfoir can not be decernit to remove yrfra

and siclyk becaus on 27 Junii 1595 it was allegit be Mr thomas craig and william oliphant for ye pairt of the said ser john carmichaell that sen 19 Junii 1594 the exceptioun emergent underwritin for ye thrid pairt of ye land libellit was competent to him viz that sen ye 19 junii ser johnne hes purchast ane renunciatioun of marie quhytlaw, ane of the persewaris, of ye pndit warning and actioun of removing et iure liti et causa and ye said marie hes also ratifeit and approvin the said infestment grantit to ser johnne be umgle archibald erl of douglas qrbty the said ser johnne his infestment of the saids lands convalescis[=regains strenght]and in respect yrof absolvitor aucht to be gevin fra ye said warning and actioun of removing for ye thrid pairt of ye said land pertening to marie

ANSERIT be Mrs Johnne scharpe and robert lintoun that the samyn aucht to be repellit becaus marie quhytlaw in februar 1593 lang befoir ye purchasing of ye said renunciatioun be ye said ser Johnne carmichaell wes laullie mareit with william home maister stabiller to his matie in the kirk of Cornuell[?] in ingland be ane persone quha had ane ordiner functioun in ye said kirk upone ane lauchfull day and befoir ane sufficient number of persones, scottis and inglishmen

lyk as the said william and marie had yr cohabitatioun togidder and wes reput and haldin as mareit folkis be ye space of fyve monethis efter ye said mariage and befoir ye pndit cancellatioun allegit maid be ye said marie and haif dwelt togidder and haif bein and ar reput and halden as mareit folkis continuellie sen syne

qlks allegances and ansers being hard, the lords repellit the first allegiance foundit upone the defenderis infestment proceeding from ye kingis matie throw forfaitour of umgle patrik quhytlaw and duply maid for testificatioun yrof

and admittit the reply and triply maid for elyding yrof to the
persewaris probatioun
and admittit the secund exceptioun to the defenderis probatioun
and repellit the foirsaid emergent exceptioun proponit for ye pairt
of the defenderis in respect of ye anser and reply qlk they admittit
to the persewaris probatioun
and divers termes being assignit, the persewaris provat
sufficiientlie ye said reply and triply admittit to yr probatioun
and ser johnne carmichaell failyeit in proving of the secund
exceptioun admittit to his and his umgle fatheris probatioun
and the persewaris provit the foirsaid reply for elyding of ye
emergent exceptioun sufficiientlie in respect of the said ser hew
carmichaell being personallie present in presence of the lords and
being sworne be his aith *de calumnia* yrupoun gif he had iust caus to
deny the said reply, maid faith that ye reply was of veritie and he
had na iust caus to deny the samyn

thairfoir the lords ordanis lrs to be direct and decernit as said is

CS7/185/380r(L Innerweik c L Carmichaell)

[from Register]

anent or soverane lords lrs purchast at ye instance of Mr thomas craig advocat procurator for ye kirk and ministrie yrof and ye bretheren of ye ministrie of ye presbitreis of Jedburt and melros agains sir John ker of hirsell knyt

makand mentioun that quhair ye said sir John alleges that 22 februar 1598 he obtenit ane pndit decreit befoir or soverane lord and lords of secret counsall assignand to ye saids bretheren and presbitrie of melros ane certane day betuix ye dait and ye qlk yai sould have ressavit ye proces grupoun ane decreit of adherance obtenit be margaret quhitlaw agains ye said sir Jon and tak advyse yrin be men of law how ye samyn decreit may be reducit befoir ye commiser of edinburt gevears and pronunciaris yrof, as ye said pndit decreit beirs

and yat ye saids bretheren of ye presbitrie have delayit in obteneing of ye said decreits reductive of ye said decreit of adherance ye day appoyntit for yat effect being bypast, hes upoun yat sinister narratioun purchast lrs and yrwith causit charge ye persewaris to relax ye said ser Jon fra ye **sentence of excommunicatioun** deducit be yame agains him for his adherance to ye said margaret and to ressave him again in ye bosum of ye kirk wtin a certane schort space under ye pane of rebellioun and for allegit non obaying of ye command of ye said lrs ye said ser Jon intends as ye saids persewaris ar informit to caus put yame to ye horn maist wrangouslie for ye causes following

first becaus ye pndit lrs of horning howsoever ye samen be directit ather be ye lords of counsall or ye saids lords of secret counsall ar wrangouslie grantit upoun sinister informatioun of ye saids lords suppressing ye veritie without ony laul citatioun of pairtie, ye saids persewars never being laulie warnit yrto qlk aucht to have proceidit ye granting of ye said lrs of horning speciallie in respect yat ye fault for ye qlk ser Jon was excommunicat is sua odious and ye preparative sua dangerous ye lyk pratique qrof hes not beine as yitt practisit within yis realme and thairfoir concerning ye generall kirk of scotland without quhais counsall and advyse it is hard to ye saids persewaris to mel[=involve itself]yrwith qll ye generall assembleie approcheing, and unto ye tyme yat ye advyse of ye generall assembleie be had in ye said mater thay can not relax ye said ser Jon fra ye sentence of excommunicatioun

secundlie ye said bretheren of ye presbitereis of Jedburt and melrois can na ways be hauldin nor astrictit to relax ye said ser Jon from ye said excommunicatioun becaus it is of veritie yat ye foirsaid decreit of secret counsall grupoun ye said lrs of horning ar grantit ye persewaris ar onlie decernit to relax ye said ser Jon efter yat he hes satisfieit ye kirk according to ye ordor and discipline yrof for his bygane sklenderis offerit and commitit be him as ye said decreit will testifie

and trew it is yat ye said ser Jon hes not as yit satisfieit ye kirk for his offence nor yit hes he ever comperit personallie nor be his supplicatioun befoir ye said presbitereis protesting his unfenzeit repentance and offering to satisfie for ye offences commitit be him, conforme to ye ordor and discipline of ye kirk and thairfoir ye said

ser Jon not haifing satisfait ye kirk according to ye said decreit of secret counsall, ye saids persewaris can not be hauldin to absolve him qll he have first maid his satisfactioun as said is

bot ye said lrs of horning aut to be suspendit upoun ye said persewaris unto ye tyme yat ye said ser Jon have maid satisfactioun to ye kirk in maner foirsaid thairfoir ye said lrs effect and horning contenit yrrin sould be suspendit ["simpliciter" scored out]upoun ye persewaris in tyme cuming

anent ye charge to ser Jon ker to have comperit befoir ye lords of counsall certane day bygane bringing with him ye lrs of horning and executorialls yrof together with ye said pndit decreit of secret counsall grupoun ye same proceidit to have bene sene and considderit be ye lords and to have hard ye proces of horning suspendit simpliciter upoun ye persewaris

Mr thomas craig advocat procurator for ye kirk and ministrie yrof personallie present

Mr Jon knox minister at melrois and Mr William hog minister at lindein for thameselffs and for ye remanent bretheren of ye ministrie of ye presbitereis of Jedburt and melrois being personallie present togedder with Mr Jon nicolsoun yair preloquitor

ser Jon ker of hirsell knyht being also personallie present togedder with Mr alexander king and cornelius tennent his preloquitors

the lords having consideratioun of ye decreit of secret counsall given be ye kingis majestie with advyse of ye lords yrof, grupoun ser Jon keris lrs of horning proceidit is gevin and concerns ecclesiastical materis thairfoir ye saids lords will na ways decyde ye foirsaid lr of suspentioun but reponis and restoris ye said ser Jon ker in ye same place he was in befoir ye said suspentioun was grantit qlk was upoun 7 merche last by past and declaris ye samyn suspentioun sal na ways stay nor be prejudiciall to ye said ser Jon to put ye foirsaid lrs of horning past upoun ye said decreit of secret counsall agains the ministrie of melrois and Jedburt to executioun gif he sall think expedient in tyme cuming as gif ye said suspensioun had never bene grantit and thai will grant na new suspentioun of ye said lrs at na tyme heirefter, upoun ye pronunciatioun of ye qlk interloquitor ye said ser Jon ker being personallie present askit instrumentis

CS7/189/278r (Sir Jon Ker c Ministeris)

[from Register]

...James stewart of schillinglaw be his gift of or soverane to him his airs & assignayis of the ward, nonentres, mailles, fermes, profits and dewteis of that portioun of land of glen syrefdome of peiblis qlk pertenit to umqle John cokburne of glen and now fallin in his hienes hands be reasoun of ward and nonentres be deceis of umqle John or ony uyris his predecessors, last laul tenentis to or soverane lord, ay and ql the laul entrie of the ryteous air or airs yrto being of laul aige togidder wt the releiif qn it sall happin and also the gift of marriage of[BLANK]cokburne [BLANK]and appeirand air to umqle John and failyeing yrof be deceis unmarreit, the marriage of ony uyr air or airs maill or femaill that sal happin to succeid to umqle John in his lands and heritages as the lrs of gift under the privie seill at stirling 14 september 1585 be vertew qrof James, donator, hes guid richt to the marriages of margaret, agnes and marioun thrie of the fyve dochteris, airs at ye leist appeirand airs to his lands and heritages and singill availl of ilk ane of yr said thrie marriages

to wit 3000 mks for singill availl of ilk ane of yr said thrie marriages be reassoun of umqle John cokburne of glen held all and haill his pairt and portioun of the lands of glen immediatlie of or soverane lord be service of ward and releif and siclyk to the doubill availl of marriages of ilk ane of the thrie dochteris extending to the soume of 6000 mks as for the doubill availl of ilk ane of yr said marriages

becaus it is of veritie that John greive of tracquhair mylne as pairtie laulie constitut be James stewart donator foirsaid upoun last june 1598 past to the place of dryhoip qr the dochteris and airs portioners wer for the tyme and thair laulie offerit to thame parteis of laul aige and agreabill wt thame in marriage to wit william sandelands brother to John sandelands of midilrig as pairtie agreabill in marriage wt the said margaret cokburne eldest dochter

and alexander stewart son to umqle Mr william stewart as pairtie agreabill in marriage wt agnes cokburne, secund dochter

and robert greive sone to John greive as pairtie agreabill to marioun cokburne youngest dochter as authentik instrumentis takin yrupoun at mair lenth beirs

qlk marriages the said dochteris and airs at the leist appeirand airs frsadds wrangouslie refuses to perfyt and accomplishe wt the persounes abovewrittin bot intends to mairie uyr persounes in respect qrof the dochteris and airs aucht not onlie to be decernit be decreit of the Lords of counsall to mak payment to James schillinglaw donator of the soume of 3000 mks as for the singill and iust availl of ilk ane of the said marriages bot also of the soume of 6000 mks as for the doubill availl of ilk ane of yr marriages efter the forme and tenor of the said lrs of gift and instrument laws and pratiks of this realme

CS7/190/285v(Stewart c Cokburne)

[from Register]

in actioun and caus persewit at ye instance of umquhile maisteris Johne spens of condy and robert creichtoun of elioc advocatis to or soverane lord for ye tyme and umquhile schire James dowglas of drumlangrick knyt agains umquhile mareoun carrutheris ye youngest of ye twa dochteris of umquhile symoun carrutheris of mosweill [=Mouswald]

makand mentioun yat quhair or soverane lordis umquhile darrest mother in august 1548 gaif and disponit to ser James dowglas, airs and assignays, the gift of ye waird of all lands and annuelrents with castell, touris, fortalices, mylnis, multeris, fischings, tennentis, tenandreis, service of frie tennentis, advocatioun, donatioun and ryt of patronage of kirkis and chaplainreis yrof and yair pertinents quhilks pertenit to umquhile symoun carrutheris of mousweill and thane throw his deceis being in or soverane lang umquhile deceist motheris handis be ressoun of waird togidder with ye mariage of ye air or aires maill or femaill quhatsumever of umquhile symoun yat sal happin to succeid to him in his heritage with all ye profeits of ye said mareage

and albeit umquhile mareoun carrutheris ye youngest of ye twa dochteris of umquhile symoun be servit and retourit air to hir umquhile father in all and haill ye half of ye lands, annuelrents, multers, fischings, advocatiouns, donatiouns of ye kirks and chaplainreis underwrittin, quhairin umquhile symoun hir father deit last vestit and seasit as of fee haldin be him immediatelie of or soverane lordis predecessors be service of waird and releiff and be vertew yrof seasit in ye saids lands

that is to say

the half of 20 merkland of auld extent of ye lands of mousweill with the half of ye myln yrof
the half of 10 merkland ... of howquhat and hetlandhill
the half of 40s land ... in cummertreis
the half of ye ane merkland ... of stanreis
the half of ye 2 merkland ... of huddum
the half of ye ane 20s land ... of rassilhill
the half of ye 10 merkland ... of logane tenement and polcaner with ye half of ye myln yrof
the half of ye 24 merkland ... of pennersaxis[=Pennersaugh] with advocatioun and donatioun at ye kirk of the samen
the half of ye 5 merkland ... of wester skaitleis
the half of ye 10 pund land ... of drummok
the half of ye 10 merkland ... of middilbie and half of ye mylne, multers, sequelis, fischings, outsettis and pendicles of the samen

with advocatioun and donatioun of kirks and chaplainreis and fischings, outsettis, pendicles and pertinents of all and sundrie ye land above lyand in ye stewartrie of annandale and syrefdome of dumfreis quhairby ye mareage avail and profeit yrof of ye said mareoun, ye ane of the said symounis airs foirsaid pertene and hes pertenit to ser James dowglas in all tyme bygane sen ye tyme of ye said gift to ye said ser James

and albeit it is of veritie that ser James upoun penult Januar 1562, lang efter obtening of ye said gift of mareounis mareage past to hir personall presens and maid to hir dew intimatioun of ye said gift

and dispositioun maid to ser James, his airs and assignays, of ye waird of ye saids lands, annuelrents, castells, touris, fortalices, mylnes, multures, fischings, tenentis, tenandreis, service of frie tenandreis, advocatioun and donatioun of kirks and chaplainreis togidder with the mareage of umquhile symounis air or airs yat suld happin to succed to him in ye saids lands and heritages as contenit in ye said lrs

quhilk ser James causit yane be appering in presens of mareoun and be vertew yrof than offerit to hir as ane of ye airis foirsaidis in mareadge John makmath, son and apparend air to James makmath of dalpedder, being alsua at ye same tyme pesonallie present with schir James, being alsua ane gentilman and pairtie agreabll to ye said mareoun without disparage, quha offerit himself reddie at ye tyme to solemnizat ye band of matrimonie with the said mareoun in face of ye haly kirk gif sche wer contentit,

and to that effect ye said ser James, donator foirsaid to hir said mareage, maist earnestlie requyrit ye said mareoun to fulfil and compleit ye said band of matrimonie with the said John makmath as affeirrit or in ye kirk of borthwick, quhair as ye said ser James understand sche wes appointit for to remane for ye tyme be ordinance of ye said lords of counsall for ye tyme or in ony uyr place quhair sche pleisit upoun first merche nixt yrefter or uyr convenient day sche pleisit appoint

and gif sche failyeit yranent the said ser James thane protestit for the dowbill availl of hir said mareage quhilk the said mareoun yane **refuissit to do saying sche wald not be at ye said ser James bidding**

and notyeles ye said ser James according to his offer and requisitioun foirsaid causit Mr robert dowglas provost of lincluden procurator speciallie constitute be the said ser james to yat effect compeir togidder with the said Johnne makmath in ye said kirk of borthwik quhair ye said mareoun wes for ye tyme, at aucht hors befor none upoun ye said first day of merche, and yair ye said Mr robert procurator foirsaid offerit as ye said ser James did of befoir ye said Johne makmath son and apparand air foirsaid in mareage to ye said mareoun and the said Jon being there alsua personallie present offerit himself yair reddie to solemnizat ye said band of mareage with hir giff sche pleisit

in the quhilk kirk of borthwik ye said Mr robert procurator foirsaid and ye said Johnne makmath remanit fra ye said aucht hors befor none to ane hor efter none of the said day awaiting efter ye cuming of ye said mareoun **quha cum not** during all the said tyme to performe ye said mareage bot absentit hir self yairfra, quhairby in effect ye said mareoun thane refuissit altogidder to do as befoir to complete ye said mareage, tending yrby to **defraude** ye said ser James donator foirsaid of hir said mareage and availl yrof in contrair ye lawis and constitutiounis municipall of this realme be ye quhilks it is provydit yat gif ye vassell quhais mareage is becuming in ye hands of his overlord be ressonne of waird as said is refuissis to marie at ye desyre of his said superior that notyeles, thane in yat caice ye said overlord or superior sall have ye availl of ye said mareage gif sua be

and thairfoir ye said mareoun carrutheris ye ane of ye saids airs to have hard and sene it be fundin and decernit be decreit of ye lords of counsall yat ye said mareounis mareage as ane of ye twa airs of umquhile symoun servit, retourit and seasit as air to him in maner

abovespecifeit in the half lands abovementionat, pertens and hes³ pertenit to or said soverane lordis umquhile darrest mother and to his majestie respectivlie and to the said umquhile James as surrogat and haveand be ye gift of mareounis mareage foirsaid, continuellie sen ye deceis of ye said umquhile symoun quhilk wes befoir ye moneth of august abovespecifeit and yat ye said ser James upoun ye penult Januar 1562 intimat and red ye said gift to ye said mareoun personallie present, offerit ye said Johnne makmath to hir in mareage as pairtie aggreabill and reqyrit hir to solemnizat ye said band of matrimonie within ye kirk of borthvik or ony uyr place as scho plesit upone ye said first day of merche nixt yrefetr or ony uther convenient day and place as sche thot expedient as at mair lenth is abovespecifeit

and yat ye said ser James upon ye first day of merche abovespecifeit comperit be ye said Mr robert his procurator in his name with ye said Johnne makmath in ye said paroch kirk of borthvik at aucht hors befoir none quhair they remanit quhile ane efternone awaiting for ye cuming of ye said mareoun to have compleittit ye said mareage quhilk the said Johnne makmath offerit him reddie to do for his pairt

quhilk ye said mareoun refussit to do be absenting hir self, scho being warnit yrto as is befoir contenit lyk as scho continewellie sen syne and as yit refuisses to solemnizat ye said band of matrimonie with the said Johnne according to the said requisitioun, offer or ony utheris at ser James desyre tending yrby to **seclud ye said ser James fra ye availl of ye said mareage**, albeit ye availl yrof pertenit to ye said ser James as surrogat in ye place of or soverane lordis umquhile mother and yat ye said mareoun notwithstanding her refusall to marie as said is, **aucht and suld be compellit to pay ye availl** at ye leist ye singill availl of hir said mareage and yat without prejudice of ye said ser James actioun for ye dowbill availl yrof be ye laws and constitutiones of this realme

and thairfoir ye said mareoun to have hard and sene ye singil availl and quantitie of hir said mareage bene modifeit to ye sowme of **four thowsand pundis** money of this realm be ye saids lords in respect and consideratioun of ye great availl and quantitie of ye saids lands, heretage and uyris quhairunto sche may succede as ane of the thrie airs of hir said umquhile father, guidser or ony utheris hir predecessors,

that is to say to ye half of ye 5 merkland of auld extent of cambrigewod
the half of ye 10 pund land of dundenbrek, kirtilhous and carrutheris
the half of ye 5 merkland of lochmabane within the stewartrie and syrefdome foirsaid

and yit ye said mareoun is ane woman heretrix quhilk is heichlie to be estimat quhen sche and sic women heretrices of great lands refuisses to marie at ye desyre of yair overlord becaus they may place ane tennent to yair said overlord for yair tyme at ye leist then and during ye courtesie of scotland in contrair ye mynd, plesure and will of yair superior quhilk is meikill to be respectit and weyit

and the sowme being modifeit for ye said singill avail of hir said mareage as said is, the said mareoun to have hard and sene hir bene decernit to refund, content and pay the samyn to ye said ser James as for the said singill availl of hir said mareage and yat without

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prejudice of ye dowbill availl yroff giff sche happin heirefter to marie in contrair ye said ser James plesour and offer, as at mair lenth is contenit in the principall summonds raisit in the said matter 10 Januar 1569

quhilk summonds and actioun foirsaid with the haill acts and proces led and deducit in ye said mater wes be decreit of ye saids lords of counsall **transferrit** in ser James dowglas now of drumlanrik knyt active and in Janet carrutheris relict of umquhile thomas roresone of bradannoch, sister and air to ye said umquhile mareoun carrutheris quha wes ane of ye airs of umquhile symoun carrutheris of moiswell passive and siclyk proces, lrs and executorialls decernit to be led, direct and usit at the instance of ser James, oy and air foirsaid agains Janet, sister and air foirsaid yrupoun as wes, myt or suld have bene led, direct and usit at the instance of umquhile ser James dowglas of drumlanrik, knyt, guidser to ye said now ser James agains ye said umquhile mareoun carrutheris in ye said mater efter ye forme and tenor of ye said summonds actis and proces led and deducit yrupoun as contenit in ye decreit of 20 februar 1593

the said ser James dowglas now of drumlanrik, knyt, in quhom ye said summonds and actioun is transferrit comperand be Mr umphra blinseill his procurator

and Mr thomas hammiltoun of drumcarne advocat to or soverane lord for his hienes entres being personallie present

and Janet carrutheris, sister and air of umquhile mareoun carrutheris in quhom the foirsaid actioun is lykwayis transferrit being lauffullie summondit and not comperit

the pairteis ryts togidder with ye rentallis of ye lands and leving of umquhile mareoun carrutheris quhilk pertinit to hir and quhairunto sche myt have succedit as air to hir umquhile father and uyris hir predecessors and ye gift of waird and mareage abovewrittin producit for ye pairt of the persewar as ane pairt of his principall lybell, being hard, sene and understand and the lords yrwith being ryplie advysit, the lords of counsall having consideratioun of the foirsaid principall summonds, rental and hail merits and circumstances of ye foirsaid actioun **hes modifeit and modifeis the sowme of fyve thowsand merks usual money of yis realme as for ye singill and dowbill avail of ye mareage of umquhile mareoun carrutheris**

and thairfoir decerns and ordanes Janet carrutheris, sister and air to umquhile mareoun and in quhom the foirsaid actioun is transferrit to pay to ser James dowglas now of drumlanrik knyt ye sowme of 5000 merks in full satisfactioun and contentatioun of singil and dowbill avails of mareage foirsaid

becaus ye points and desyre of ye principall summonds being fund relevant efter Janet carrutheris in quhom ye said mater was transferrit wes lauffullie summondit to have comperit and defendit yrintil, the samen wes admitit to ye persewaris probatioun and ane term assignit to him to yat effect, and he comperand be Mr umphra blinsellis quha in place of all uyr probatioun referrit the points of the principall summonds and rental to Janet carrutheris ayth of veritie

and ane term wes assignit to the persewar to have warnit Janet carrutheris to have comperit personallie befoir the lords to haiff given hir aith of veritie upoun the summonds and rental with certificatioun to hir and sche faillyeit the same wald be haldin as grantit and confessit be hir

and Janet carrutheris being lauffullie warnit and summondit be ane messinger of armes and personallie apprehendit to have comperit befoir the lords of counsall at ane day bygane to have gevin her ayt of veritie upoun ye premisses with certificatioun foirsaid ye said Janet faillyeat to compeir and gif hir ayt yrintil lyk as was cleirlye understand to ye saids lords and thairfoir they gaif yair decreit in maner foirsaid

and farder the lords decerne and ordane Janet carrutheris to refund, content and pay to the laird of drumlanrik the sowme of tuentie pundis as for expenses maid, sustenit and debursit be him in persute of ye said actioun and obteneing decreit yrintil in maner foirsaid togidder with fyve pundis presentlie payit be him to the lordis collector conforme to yair ordinance maid yranent

and ordanes lrs to be direct to ye effect foirsaid in forme as efferis

CS7/191/406v(Laird Drumlanrik c Carruthers)

[from Register]

Transferris the lrs obligatour and decreit of the Lords of counsall interponit yrto of qlk the tenor followis

at edinburt the thrid day of august the yeir of god M vct lxxx sevintene yeirs in presence of the lords of counsall comperit Mr thomas nicolsoun procurator specialie constitut for william ker of cesfuird and Jonet dowglas his spous and gave in the obligatioun underwrittin subscryvit with thair hands and desyrit the same to be insert and regrat in the buiks of counsall to have the strenth of ane act and decreit of the lords yrof with lrs and executorialls to be direct yrupoun conforme to the claus of consent specifeit yrintil the qlk desyr the lords thocht ressonall and thairfoir hes ordanit and ordanes the said obligatioun to be insert and decernit the sam to have the strenth of ane decreit of qlk the tenor followis

We william ker laird of cesfuird and lord wairdaine and dame Jonet dowglas my spous grants us to be awand to thomas patersoun merchand burges of edinburt the sowme of elevin hundreth and ten pundis vii schillings and we bind and oblises us or airs executors and assignays to content and pay to thomas patersoun airs etc the sowme of ane thowsand merks at candilmes nixt to cum and the rest extending to four hundreth fortie thrie pundis xiiis iiid at witsonday nixt yrefter but ony langer delay fraud or gyle or questioun of the law under the pane of ane hundreth pundis money as for the damage and entres that the said thomas sall sustene for falt of the said sowme gif he be compellit to regrat thir pntis gif the foirsaid sowmes be not send to him at the foirsaid days to edinburt

attour gif we send ony of or servands or teilyeor to tak ony merchandice herefter fra the foirsaid thomas we band and oblises us and or foirsaidis to pay the same conforme to or comptis sett down in the said thomas compt buik at the said last day als weil as the nominat sowme, qlk for the mair securitie we ar content and consents that thir presentis be actit and regrat in the buiks of counsall to have the strenth of ane act and decreit of the lords yrof of poynding wairding and horning gif neid beis upoun ane simplle charge of sex days allanerlie, the ane not preiudgeing the uther and for the said purpois I constitute and ordane mr ... advocat to compeir befoir the lords and as procurator for me consent to the registratioun heirof giveand him full power and commissioun heirto

in witnes grof we have subscryvit thir pntis with or hands at halliden or dwelling the 12 Januar 1596 befoir witnesses
robert moffat, george dowglas, robert nicoll, adame arbestoun and andro currie my servands

*sic subscribitur cesfuird, Jonett dowglas with my pen led be ye notter underwrittin at my command becaus I can not wryt myself
ita est andro currie notarius publicus de speciale mandato dictae Jonetti in premissi[s] scribere nesciens manu mea propria*

andro currie wit, rot moffet wit

extractum de libro actorum per me magistrum Joannes skene clericum rotolarum regrii act. consilii s d n regis sub meis signo et subscriptione manualibus

... that the said Jonett dowglas for hirself and as relict and executrix and universal intrometrix passive and decernes and ordanes siclyk actioun proces exells and executiouns to be had led direct and execut agains the said Jonet dowglas for hirself and as relict and executrix or universall intromettrix at the instance of the said thomas for fulfilling of the said lrs obligatour as aucht or suld have bene led direct at the instance of thomas patersoun agains umquhile laird of cesfuird hir husband befor his deceis ... as schawn to the Lords ...

becaus the points wer fund relevant to the persewaris probatioun the persewar in place of all forder probatioun referrit to Jonet dowglas hir aith of veritie simpliciter and ane terme assignit to the persewar to have warnit Jonet dowglas to have comperit with certificatioun etc and Jonet dowglas being lauchfullie summondit to that effect be ane messinger of armes pllie apprehendit comperit not to give hir aith

thairfoir the lords decernit as abovewrittin

the persewar comperand pllie and be Mr thomas nicolsoun his preloquitor

Jonet dowglas being summondit ... and als for 10 merks money and 40s to the lords collector

CS7/192/192v (Patersoun c L Cesfuird)

APPENDIX V

The first of these is the fact that the data are not normally distributed. This is evident from the fact that the distribution is skewed to the right, with a long tail extending to the right. This is a common feature of many types of data, particularly those involving counts or measurements that are bounded at zero. The second feature is that the data are not independent. This is evident from the fact that the data are clustered in time, with many observations being taken at the same time or very close to each other. This is a common feature of many types of data, particularly those involving measurements over time.

The third feature is that the data are not stationary. This is evident from the fact that the mean and variance of the data change over time. This is a common feature of many types of data, particularly those involving measurements over time. The fourth feature is that the data are not normally distributed. This is evident from the fact that the distribution is skewed to the right, with a long tail extending to the right. This is a common feature of many types of data, particularly those involving counts or measurements that are bounded at zero.

The fifth feature is that the data are not independent. This is evident from the fact that the data are clustered in time, with many observations being taken at the same time or very close to each other. This is a common feature of many types of data, particularly those involving measurements over time. The sixth feature is that the data are not stationary. This is evident from the fact that the mean and variance of the data change over time. This is a common feature of many types of data, particularly those involving measurements over time. The seventh feature is that the data are not normally distributed. This is evident from the fact that the distribution is skewed to the right, with a long tail extending to the right. This is a common feature of many types of data, particularly those involving counts or measurements that are bounded at zero.

PROJECTED BUILDING PLANS

[from Register]

... ye said ser Johne and mark ker his sone and appeirand air faytfullie binds and obleissis yame and yair airis to edifie and big ane sufficient wolt[=vault]of thriescoir of fute of lenth and ane hous heched above ye said wolt with stane and lyme for hall and chalmeris to ye said Jeane upoun ye maist convenient pairt of ye saidis lands of spylaw nixt adiacent to ye barnis and byris pntlie biggit yron within ye space of thrie yeiris nixt efter ye dait heirof

and faillyeand in edifeing and bigging of ye said hous within ye said space ye saids ser Johnne and mark ker his sone obleissis yame and yair foirsaidis to infeft and sease ye said Jeane in lyfrent in all and haill ye south quarter of ye maner place of hirsell contenand thrie houses in ye ground with ane greit loft above ye samen extending to thriescoir and ten fute of lenth or yrby togedder with ane wolt at ye eist end yairof and ane dowcat above ye samen to be bruikit joysit and usit be hir in cais of ye said markis deceis as god forbid befoir ye said mansioun be biggit upoun ye saidis lands of spylaw in maner foirsaid

CS7/15/78/2 (Hammiltoun c Ker)

[from Register]

Qlk day in pns of the lords comperit pllie Mr richard spens advocat and John stevinsoun in the west mure of edinburt and referrit and submittit thame to the decisioun, decreit arbitrall and amicable sentence of the saids lords of counsall and sessioun anent all materis debaittable, questiounis, pleyis and contraversies that ather of the saids pairteis hes or may lay to uyris chargis and speciallie anent the decreit obtenit be Mr richard agains andro stevinsoun befor the saids lords for dountaking of certane wark biggit in the said andro his tenement of land and fixt in the said Mr richard his south gavell and in quhat respect the said andro and his tenement salbe frie of the said Mr richard, his airs and successors of all questioun and truble of law to be movit be yame in all tyme cuming

and siclyk anent the decreit of nichtborheid obtenit be umgle william adamsoun, the said andro his author agains the said Mr richard spens finding the north wall of the said andro his land to pertene to umgle william and decerning the said Mr richard to clois and big up ane greit squair windo cassin out yrintill as the said decreits at lenth beirs

the lords haifing hard and considerit the pairteis richts, the lords be yr decreit arbitral and amicable sentence ordanit the said Johnne stevinsoun to have done wrang in laying ane jeist throw Mr richardis gavell and making it kyith[=revealed]and be seine in the said Mr richardis chalmer chymnay

thairfoir ordanis the said andro to cut off ane hand bred of the end of the said jeist and big the samyn up agane wt stane and lyme

and als ordaning the said andro to haif done wrang in the said easing drope[=eaves]of his sklaittis to cum hard to the said Mr richardis bakstair quhairby the tymmer of the said stair may be tint rottin and consumit

thairfoir ordaning andro to caus mend the samyn and leave ane hand bred fore betuix the said stair and his sklaittis that the water that cumis off the sklaittis may haif fore[?frie]passage and directlie fall to the grund

and siclyk ordanes andro in all tyme heirefter to keep the guttar betuix him and the said Mr richard cleyne and to keep Mr richard, his airs and successors skaithles of ony weit or water that may cum upoun the said Mr richardis land ather be the said androis sklaittis or his said guttar

and in lyk maner decernis and ordanis ye said Mr richard to caus clenge[=to make clean or clear]all ye cobillis[?corbills]and droppis of his hous that it may be sein gif ye said andro be his new bigging hes done ony thing to the hurt of the stone passage of the saids cobellis and droppis and gif ony hurt be done, to repair the samyn with diligence

and forder ordanes the said andro stevinsoun to pay Mr richard spens 200 merkis in full recompense of ony uyr questioun fra ony pairt of the said new wark laitlie biggit be the said andro in maner following

100 mks pntlie at the dait heirop

uyr 100 mks in compleit payment of the 200 merkis betuix the dait heirop and pasche nixt to cum bot forder delay

CS7/190/387r(Spens c Stevinsoun)

[from Register]

...persewar [Mr Robert Spens advocat] has ane tenement of land lyand wtin the burgh of Edinburgh and the gavill yrof lyand to the south, qrintil yr is 5 chalmeris and ane wall scheild as be insertioun of the said south gavill may appeir, to the quhilk gavill thair is ane waist contigue adiacent qlk is laitlie bocht be andro stevinsoun, defender, fra Mr William Adamesoun of Graycruik lykas the said andro intending to haif purchast licence of the proveist dene of gild and bailleis of the said burt to tak doun the gavil foirsaid of the persewaris tenement and to put in the said androis geistis[=joists] of his new bigging yrintil of purpose to mak the persewaris gavill beir the haill burding of his new bigging in that pairt to the utter wrak of the said persewaris hous qlk culd nawayis be grantit nor permittit be thame nather yit can thay be iudges competent yrintil agains the persewar in respect he is ane member of the college of justice and thay comperit upoun the grund of the said lands of befoir and gaif ane pndit decreit of nytborheid yrintil at the instance of umqle william adamesoun and agnes belenden his mother notwithstanding the lords of counsall had dischargit them to proceid yrintil Qrupoun the lords had suspendit yr pndit decreit upoun contempt of the saids lords ordinance as the same suuspensioun proportis and sua the proveist dene of gild and counsall of the said burgh hes utterit thair affectioun to the said andro in this caus Howbeit the cognitioun of the said persewaris gavill suld be summerlie tryet be the lords ather be visitatioun or probatioun and the said andro stevinsoun suld be dischargit of all furdur working foranent the persewaris said gavill or putting of onie geistis for making of his gavill to beir burding yrof and of the haill gavill and half of his new pndit bigging qll tryell be takin Qrupoun the persewar menit him to the lords and obtenit uyr lrs qrwte he summondit andro to haif comperit ... ane certane day wt continewatioun of dayis to haif herd and sein the propertie of the persewaris gavill be adiudgit be the lords decreit to appertane to the persewar and the said andro stevinsoun to be dischargit of all putting of ony geistis in his south gavill or working of ony wark foranents the samen as in the menetye inhibiting and discharging of the said andro stevinsoun his maissoun and craftsmen of all warking of ony wark besyd his said gavill or putting of ony geistis yrintil qll ane certane day yt cognitioun was takin and the matter to -[?] as ye uyr lrs proportis

In contrair the tenor of the qlks lrs and in contempt of the lordis ordinance the said andro stevinsoun hes made novatioun and brokin doun the persewaris gavill and imput his haill grit geistis yrintil of purpos to mak the samen gavill beir the haill burding of his geistis and haill wecht of the maist pairt of his new bigging and tak away his haill geistis furth of the said persewaris gavill and mak the samyn gavill frie of all burden and to big up his said gavill in als guid estait as the samen was the tyme of the lords inhibitioun and to desist fra all furdur novatioun making bigging or alteratioun nor it was past memorie of man ay and qll the saids lords tak cognitioun and decyd the mater ...

The lords ordanes the defender to dimolische and tak doun all pndit new biggit wark biggit be him and his maissounis in his name sens the lords inhibitioun usit agains thame and in contempt yrof and of yr auctoritie, to tak away his geistis

CS7/187/404r(Spens c Stevinsoun)

[from Register]

qlk day in the actioun and caus persewit be thomas patersone merchand burges of edinburt heritour of the tenementis of land underwritin agains alesoune uddart relict of umqle william patersone merchand burges of the said burgh lyvrentar of the said burghs[=?tenements] and James hunter glassin wricht now hir spous for his entres to heir and sie thame be decernit be decreit of the lords of counsall to find sufficient and ressonall cautioun and sourtie actit in the buiks of counsall that thay sall beilt[=cover over] mend and repair and uphald certane tenementis of land and houses pertening to the persewar in heritage lyand within the said burt in the clois callit Mr alexanderis clois in windeis durris lokis sklaittis lofting ruiff fixt wark and all uyr necessers and leve the samen in als guid estait at ye deceis of ye said alesoune as thay war the tyme of the deceis of the said umqle william patersone hir first spous

... the lords assigns to Mr alexander peiblis for the defenders the 24 Julii nixt to find sufficient and responsall cautioun and sourtie actit in the buiks of counsall to the effect abovewritin with certificatioun to the said Mr alexander peiblis procurator foirsaid and he faillyie the lords will decerne and ordane alesoune uddart to tyne and amit hir lyvrent of the saids lands and tenementis with males and dewteis yrof during the days of hir lyvtyme conforme to the desyr of the summons

CS7/185/266r(Patersone c Hunter)

[from Register]

...makand mentioun that qr the proveist and bailleis and dene of gild of ye said burt on set purpois intends to demoleish the persewaris[George Sandersoun, tailor burgess, Edinburgh]wark and cut his jeistis qlks ar not hurtful to na personnes bot onlie to himself and be sic extraordinier dealing wt him in bigging of his tenement of land sen the beginning yrof hes bein very complenus[?]to him and richt troublesum, sua that yrthrow he wes compellit to prosecute his matter afore the lords of counsall and obtenit yr decreit ordaning the said persewar, his workmen and massounis to proceid in bigging of the tenement but ony stop or truble or impediment to be maid to him or his workmen yranent as the decreit beirs notwithstanding of the decreit, the proveist and bailleis and dene of gild makis greit impediment to the persewar and wald demoleish his said wark and cut his jeistis be the tenor of the said decreit as also the said matter is advocat befoir the lords as yit standing ovir undiscust notwithstanding the said decreit and advocatioun, the said proveist and bailleis and dene of gild daylie trublis and molestis the persewar and maks him greit impediment in his said wark to his greit hurt and utter wrack wtout remeid be provydit

CS7/190/358v(Sandersoun c Proveist & Bailleis,Edinburgh)

[from Warrants and Decreets]

... and becaus the persewar, Michael Pumphray for ye said £24 annuelrent gaif to Maister thomas makcalyeane burges of edinburt in my name, Gilbert Knox, burges of Edinburgh, and at my command in presens of me 205 french crownes of the sone and wecht for ye redemptioun of ye £24 annuelrent sauld be me to Mr thomas of ye haill tenement foirsaid and to me ane hundreth fyvten french crowns of ye sone and wecht to big the innermast hous of ye said foirland quhilk was not myne befor bot hes laitlie redemit and laich[?]it fra the airs of umquhile george matheson

thairfoir I bind and oblis me, my airs and assignayes to big the said innermast hous sufficientlie in stane wark, geistis, rufe and thak of sklaitt according to the remanent of the saids foirlands ells begun and biggit and that within 3 yeiris immediatelie following the dait heirof and failyeand yairof and it nocht being compleitlie biggit be me, my airs and assignayes within ye said space it salbe lessum to ye said prior of the place of the freiris predicatouris of edinburt and convent of the same yrefter to big or caus big all and haill the said innermast hous betuix the land of elizabeth barcattill on ye eist pairt and ye land of umquhile Johne machane on the west pairt als heich as sall pleis ye saids prior convent and yair successors or the persones with quhome yai sal happin to convene for ye bigging of the same

and it salbe lesum to yame to big sic houses and aisiament[probably =an opening for entrance, air or light]with dowris, wyndowis, chymlayis, staris or turngrees[=spiral staircases]as salbe thocht be tham with counsel of men of craft best and maist expedient ...

and I bind and oblis me my airs and assignayes to uphald, keip dry and water thicht the said thrie buithis induring the space of ye said thrie yeiris and efter ay and quhile the foirsaid hous be biggit as said is upoun or expenses ...[18 merche 1553]

CS15/78/96 (Pomphray c Johnestoun)

[from Register]

anent the summonds raisit at the instance of Mr Jon dalziel heritor of the kirklands of St cuthbertis kirk and assignay constitut to ye byrun profeits of ye samen agains alexander lord fyvie president and proveist of ye burgh of edinburt, thomas fischer, william mauld, richard dobie and thomas geddes bailyeis of ye said burt and ye counsall and communitie of the samen burt to have hard and sein thame decernit be decreit of the lords of counsall to refund etc to the persewar ye byrun profeits of ye four aikers of land drownit be thame be ye bigging of ane dyke or wall at ye eist end of ye northloche of ye said burgh extending to ye avail and quantities specifeit in the summonds

and to heir ans sie thame decernit to demolisch and cast doun the samen wall or dyke biggit be thame or els to infest the persewar in als meikle als commodious land of als meikle yeirlie profeit and als weill lyand as ye said four aikers of land lyt lyk as is contenit in ye summonds

CS7/185/198v(Dalziell c Toun of Edinburt)

DWELLING HOUSE IN GLENSHINNOCHE, STEWARTRY OF KIRKCUDBRIGHT AND
CONTENTS THEREOF

8

[from Register]

HOUSE

... the defenders to anser at the instance of or lovit James ffergusoun of glenschinnoche ... for the wrangeous violent and masterfull distractioun demolishing and downcasting be thameselffis, yair servands, complices and uyris in yair names of yair causing, command, assistance and ratihabitioun in ye moneth of Julii 1585 yeirs of ye dwelling hous boundit and situat upoun ye grund of ye saids lands of glenschinnoche ... to wit of ane hall chalmer and laiche seller, being ane house of thrie hous heicht, the walls yrof being of stane and lyme haiffing for cuppillis[=sloping rafters] sett on ye ruiff with ane uther laich hall and ane chalmer upoun ye end yrof contenand fyve cuppill and ane barne of fyve cuppill, twa byres, ilk ane of yame for cuppill,

and for ye spoliatioun and awaytaking of ye dures windois ruiffis cuppillis pantreis and uyr timmer wark of ye samyn, ye damage yrof sustenit be ye said david ffergussoun extending be guid estimatioun to ye sowme of ane thowsand pundis money of yis realme

CONTENTS

ye saids lands and hous furnischt with 5 fedder beddis, bousteris, coddis, codwaris, scheitis, blanketis and coveringis estimat ilk fedder bed to 20 merks

3 greit pottis price of ye pece 6 merks

2 greit caldrounis p of p 20 mks

2 pannis ilk pece 40s

ane girdill 4 pundis

2 speitis, 2 rakis p orheid 5 mks

4 timmer stand beddis p of p 6 mks

4 greit aikin kistis p of p 6 mks

within ye sds kistis 40 elnis of small lynning p of elnne 6s 8d

40 elnes of round lynning p of elne 4s

10 elnes of small quhytt[claith]p of elne 20s

12 elnis of grayis p of elne 20s

40 elnis of quhytt claith p of elne 13s 4d

2 staine wecht of woll, p of staine 4 pundis

twa staine wecht of selff blak woll, p of staine 8 mks

40 stane of cheis p of ye staine 2 mks

20 staine of butter, p of staine 4 mks

4 bollis meill pp of boll measure foirsaid 4 pundis

ane boll of meill p yrof 6 pundis

CS7/191/197v(Ffergussoun c Maxwell)

[from Register]

...

Charlis Rutherford in Nether Nisbet
Johne alias Jok rutherford in ye Stop yr
Charlis Baxter yr
Abrahame Rutherford yr
Helene Langlands yr
Helene Davidsoun in ye Know
Jon Rutherford hir son
Thomas Rutherford in ye Burne
Hob alias Robert Langlands sumtyme officir in Nether Nesbet mane clerk yr
Jonet Stevinsoun yr
Thomas Rutherford and Issobell Fyfe his spous
William Rutherford in Over Nisbet
John Young yr
William Young yr
Malie Rutherford yr
Jon Rutherford hir son
Andro Rutherford beneith the Stoip
Cristiane Rutherford relict of umqle Mitchell Clunie
Walter Rutherford yr
Adam Baxter yr
Andro Russell yr
Jon Curle yr
Helene Rutherford relict of umqle Robert Rutherford in Over Nisbet
Thomas Symson yr
Helene Russell, Jok Young hir spous yr
William Jardene yr
Meg alias Margret Cuthbertsoun yr
William Young, Bessie Rutherford his spous yr
George Gray yr
Hob Young yr
Jok Young yr
George Rutherford yr
Nicoll Robsoun in Nether Nisbet
James Mossie elder yr
James Mossie younger yr
Alexander - now maltman burges of Jedburt
Adame Rutherford in Over Nisbet
Johnne Pirrhie yr
Jok Pirrhie yr
Andro Fyffe yr
Dandie Fernie yr
Jon Cranstoun yr
Andro Rutherford callit Andro in the Hall
Petir Rutherford callit Petir in the Know

CS7/185/229r(L Mar c his Tenentis)

HOUSEHOLDS IN SELKIRK PARISH

(1)

[from Register]

2 in Fastheuche
5 in Philophauche
1 in Sanderlandhill
4 in Freneheid
2 in Quhytmure
1 in Hartwodburne
2 in Middilstaine
1 in Hartwodmyre
1 in Aikwod
1 in Southbowhill
1 in Ballenden
1 in Todrig
1 in Northbowhill
1 in Newwork, Quhtythawray & Auldwork
1 in Braidmeddows & Williamshope
1 in Southscheill
1 in ye Yeir
4 in Cartruth

CS7/189/284r (Schaw c Parochiners of Selkirk)

[from Register]

Wan Conynghame of Capringtoun
George Roxburt yair
Jonet Smyt yair
Bessie Fergushall yair ; David Dickie hir spous
William Houstoun yair
Rot Saller yair
Patrik conynghame yair
Rot Fergushall yair
David Dickie yair
Archibald McSpeiddie yair
William Bard yair
Margaret Husband yair
Annabill Roxburt yair
William Fergushall yair
Rot Fergushall yair
Hew Patrik yair
Jon McGathane yair
Alexander Trumbill in Fortie Aikers
Issobell Broun yair
Jon and William Smaillis yair
Jon David in Todriggis
Mathwe Bowie yair
Jon Mure yair
James Mowat of Busbie
Jon Fultoun of Dreghorne manis
Jon Andro in Newhill
Thomas Andro yair
Jon Fultoun in Peitland
Jon Small yair
Jon Purveane in Garriksyd
Jon Rodmane yair
William Smyt yair
Charles Bankheid in Brayheid
Thomas Wilsoun in Aulderone
William Boyd in Harperland
Jon Boyd yair
Thomas Andro yair
Agnes Robesoun in Lethis
Jon Wischart yair
Allane Fullartoun yair
Margarit Davie yair
Rot Garvey in Arochehill
Jon Quhyt yair
Rot Hopkin yair
Jon Wallace eldar of Auchanis
Jon Porter in Dundonald manis
William McDowall yair
Thomas Porter in Guilfurd
Thomas wallace in Guillieland
Jon Dork in Manis
Hew Wallace yair
Rot Wallace in Garrikis
Jon Wilsoun in Mosend
George Jamie yair
Adame Blaikwod in Pilmure
Jon Maxwell at ye kirk of Dundonald
Jon Gottray in Parkthorne
Thomas Wallace yair

Hew Wallace yair
 William Wilsoun in Corrach
 Elizabeth Dick relict of umquhile Jon Logane yair
 Marioun Legat relict of umquhile David Lauchlane yair
 Jonet Quhytt relict of umquhile Patrik Hunter yair
 Jon Hunter yair
 Rot Millar in Raikisland
 Patrik Millar yair
 Elizabeth Wallace relict of umquhile Jon Dick yair
 Rot Foulartoun sone to Davie foulartoun in Corsbie
 Jon Wylie in Clavenis
 George Brakinrig yair
 William Legat in Loues
 Williame Wallace yair
 Margaret Wallace relict of umquhile Jon Wallace yair
 George Ferrie yair
 Jon Wallace yair
 Jon Dork yair
 Willioam Dork yair
 Rot Dork yair
 Bartilmo Dork yair
 Jene Maxwell Ladie Clelallane
 Rot Broun yair
 Hew Blair yair
 Jon Gibsoun yair
 Rot Fairlie of yat ilk
 William Crawford in Gaitsyd
 Jon Blair in Barrasie
 Andro Reid yair
 Rot Blair yair
 Helene Patoun relict of umquhile Martine Gardner yair
 Gawin Brayheid yair
 Jon McKeirell yair
 Hew Galt yair
 Jon Wallace in Tempiltoun
 Mathew Bowie yair
 Jon Bowie yair
 Adame Redman in Plewland
 Thomas Redman his son
 Elizabeth Hunter relict of umquhile Hew Redman yair
 Thomas Thomsoun yair
 Jon Lindsay yair
 Margaret Blaikwod yair
 Jon Wilsoun hir soneyair
 Beatrix Connell relict of umquhile Thomas Thomsoun in Gailis
 thomesoun
 Rot Thomesoun hir sone yair
 Margaret Wilsoun relict of umquhile Rot Thomesoun yair
 Jonet Andro relict of umquhile James Mure
 Rot Thomsoun eldar yair
 Jon Wilsoun in Galiscauldwell
 Jon Cauldwell yair
 William Wallace tutor of Sewaltoun
 William Lyn in Sewaltoun towne
 Jon Lyn his sone
 - Redman yair
 Jon Porter yair
 - Porter younger yair
all parochiners of Dundonald

 Jon Logane of Balvie
 James Logane in Coilheuchland

12₃

Patrik Logane yair
James Mureheid younger of Lauchop
Jon Logane in Baljaffray
Patrik Colquhoun in Colquhon manis
Jon Porter yair
Cristiane Colquhoune yair
Johnne Fynnnesoun yair
James Wryt yair
Jon Knok eldar in Bornes
Jon Knok younger yair
Robert Knok yair
Margarit Craig yair
William Craig yair
James Aikin eldar in Cawowes
John Aikin younger yair
Rot Moresoun eldar yair
Rot Moresoun younger yair
Jon Patrik and William McKeis yair
Jon Moresoun yair
...

CS7/189/369r (L of Pasley c Parochiners of Dundonald)

HOLDINGS OF TENANTS OF LADY DAME DORATHIE STEWART COUNTESS OF GOWRIE
LIFERENTER OF LANDS AND LORDSHIP OF DIRLETOUN

[from Register]

no. of tens	place	tenement	aikers	yaird	croft	rigs	husbndld
1	Dirletoun	1		1	1		
1		1/2	1/2				
1&sp		1	1/2				
1		2	20	1			
1		2	2				
1		1					
1		1	1				
1		4	18				
1		1	4				
1		1	1				
1		2					
1		1	2				
1		1					
w		4	1				
smyt		1	1				
maltman		1	1				
1	Guillane	2					
1		2					
1		1	1				
1		1					
1		2					
1		1					
1		1					
1				1			
1			6				
rel			4				
1	Dirletoun		1				
w			1				
1			1				
1			6				
1			8				
1		1		1			
1	Murefeild						2
	& in Guillane	1		1			
rel	Guillane	1		1			
rel & son		1	1	1			
3	Eist Sentoun	14	2				
	& in Dirletoun		1				
rel + 1	Dirletoun	1					
w			1/2				
rel+new sp	West Sentoun	2	1	1			
rel			1	1			
rel & son		1	1	1			
	& in Dirletoun	1	1	1			
lwobster+tenant		1					[=2rigs]

[note; Sentoun may mean Fentoun]

CS7/192/146r (Lady Gowrie c hir Tenentis)

[from Register]-ilk yeir:-

Grenehaltoun 40 bolls victual, 2 ptmeil, 3pt beir
Carnewathmyln 7chalder vict., 3pt meil 4pt malt
Carnewath toun & lds, 16 chalder vict., 2pt meil 3pt beir
Quottonmilne 4 chalder meil
Carnewath teinds 24 chalder meil
Quochtoun teinds 16 chalder meil
Scheilmilne 24 bolls meil
Grange lyand in Pettinane 100 mks
Ryflatt 40 bolls vict., 2pt meil 3pt beir
Strabank 10 bolls meil
Cleuch 100 mks
40s land of Haywode £20
4pund land of Cruikanis £40
4pund land of Stobwode £60
Walfrodes £40
4pund land of Auchingray £40
Eistforth & Greinscheills £80
Eistersudwod & Grene £66
Westhill £40
Poill £20
Tarbrax & Slakcastell £55
Amphirlaw and Fala £40
Cardlaw £80
Cardindene £20
Westersydwode 40mks
Caitlaw 40mks
...qlks lands lyis wtin the parochies of Carnewath, Carstairs,
Quothquhen and Pettinane

CS7/190/186v(L Ley & son c L Somervell)

[from Register]

Lrs purchased at the instance of robert lichtoun proveist of ye burgh of montrois, James mckene, andro batie, bailleis yrof, James guthrie clerk yrof, wam murray, wam petrie, Jon mestoun, robert erskin, Jon wod, richart gardyne, andro petrie, george petrie younger, willame mckene, thomas robert, david robert, James arrat, thomas smyt, thomas huntar, david fullertoun, william barclay, willame ramsay, Johne arbuthnot, thomas lambie, James williamsoun, thomas leckie, Johne scott, thomas murray, James murray, mr richart andersone, willame hardie and alexander hardie burgesses of the said burgh....

CS7/187/261r(Toun of Montrois c Panter)

EXTRACT FROM DUMFREIS COURT BOOKS

16

At drumfreis ye xxviii day of october 1598

The qlk day in pns of James newall ane of ye baillies of ye said burt comperit iudicialie robert makbrair of almegill provest yrof roger kirkpatrik and herbert raning baillies of ye samen matho puill Johnne puill williame irving williame gledstanis James coipland Johnne merschell for thameselffis and the remaning counsall & communitie of ye said burt and grantit thame awand to Johnne corsane in kirkgait burges of ye foirsaid burgh saxscoir sevin punds ten schillings money of scotland of borrowit silver to ye intertynment of ye puir and clengeris and outreiding ye commoun effairis of ye toun in yis trublesome tyme and yrfoir become actit coniunctliie and severalie to pay ye said sowme to ye said Johnne corsane at witsonday nixtocum but langer delay Qlk ye said James newall baillie decernit and yrupon ye said Jon corsane requyriit act
Extractum furrt of ye burrow court buiks of drumfreis be me harbert cunyghame notar clerk yrof

(signed)H Cunyghame noter

CS15/78/88 (Puill c Irving)

[from Register]

anent summons rasit at the instance of Maistres Jeane cambell relict of umqle angus mcintosche appeirand of dunnachtane lyverentar of the lands underwritin and Mr donald cambell of barbrek now hir spous for his entres agains lachlane mcintosche of dunnachtane, william mcintosche his son george mcfarqr mcfersone, paul makvirriche and James mcintosche of gask to heir thame decernit be decreit of the lords to have done wrang in the maisterful violent occupatioun of the lands of dramdelchark[?]and Kynraray[?]lyand in the syrefdome of innernes continuellie sen witsonday 1598...

CS7/185/111r(Cambell c Mcintosche)

[from Warrants and Decreets]

The admiral court haldin in the tolbuyt of dysart upon the twentie thrid day of may the yeir of god M vc fourscoir nyntene yeirs be patrik wemis admiral deput Initis(?) callit Court lawfullie fencit

That day in the actioun intentit and persewit be peter wallace in the elie aganis thomas small yr makand mentioun that quhair in the monethis of Junii or Julii or yrby anno M vc and foirscoir sevintene yeiris the said thomas small in the elie ressavit fra the said compleiner in tounisberie in noraway

first twa dusone of denmark portage daills pryce yrof twa dolours pryce of ilk dolor four mark scottis

Item the said compleiner payit thair the said thomas and at his command to alesone malcolme ane dolor pryce foirsaid

Item the said thomas ressavit fra the said compleiner ane of his ane plaiding wylecoit pryce half ane dolor of the pryyce foirsaid

Item ane pair of schone pryce xiiis iiiid scottis

mair in the monethe of september last wes the said compleiner furit in his schip callit the hairt in the elie of the said thomas fra the said port of the elie to noraway xiii barells of hering sex barells of salt thrie barells birskat breid sex barells malt ane barell of saip fyve barells of meill and ane barell of lining clayt and schone quhilk geir the said thomas ressavit furth of the said schip in noraway upon the twentie fyve day of september the yeir foirsaid and yrfoir aucht and suld pay to the said compleiner the fraucht for furing therof, to witt, ilk last yrof twelf pundis scottis extending in the haill to thrie lastis ane barell les, quaha wrangouslie deferis to pay the samyn as the lyt precept yranent at lenth beiris

and in this rome set be the iudge to pronunce sentence in the said actioun and caus *secundum allegata et probata* compeirit the said peter wallace persewer and producit my lord admiralls precept dewlie execute and indorsit to this day aganis the said defender beirand him to be lawfullie summond to this day to the effect foirsaid and the said persewer desyrit proces conforme

the said defender oftymes callit and not compeirit nor nane for him lawfull tyme of day bidden, the iudge advysit heirin, decernis as followis to witt

The said thomas small to content and pay to the said compleiner for the twa dosone denmark portage daills foirsaid sevin dence merkis Item ane plaiding wylecoit pryce half a dolor to be twa mark scottis Item for ane pair of scottis shone xiiis iiiid scottis

Item his pairt of sex pundis for aill betwix him & his brother becaus the said thomas grantit thir premisses being refferit to his ayt

Item mair the said thomas decernit to pay to the said compleiner for furing in the said compleineris ship fra the port of the elie in scotland to noraway of twelf barell hering, sex barells quhyte salt, twa barells birskat breid, sex barells malt, ane barell of saip, fyve barells meill, and the said thomas harnes barell, extending in the haill to twa lastis and ix barells the fraucht of ilk last yrof aucht pundis scottis

becaus the samyn was cleirlie provin to the iudge and the said
thomas absolvit for his pairt of the rest of the lybell thairfoir
the said iudge decernis in maner fairsaid as principall togedder wt
the sowme of ten pundis as taxt expensses of pley wt the iudges
unlaw fyve pundis scottis and ordanis preceptis of poynding
comprysing or wairding to be direct heirupon quhilk was actit
Extractum de libro actorum admiralitatis de fyfe ex parte
occidentale de aqua de levin per me henricum young notarium publicum
ac scribam in premissis sub meis signo et subscriptione quibus
notor(?) in similibus

(signed) H Young norius. scriba
in premissis (sign for W.S.)

(signed) P Wemyss admirall deput

(Note)
The principall sowme of
this decreit is xxxilib xiiis iiid

CS15/78/89 (Wallace c Small)

[from Warrants and Decreets]

Lodovik duke of Lenox erle darnlie Lord tarboltoun abigny & methven Gret admirall of Scotland to or lovits andro ffoyfie with officaris & syrgiandes of our said admirallitie coniunctlie and severalllie speciallie constitut it is hevellie menit and complenit to us be peitter walace indweller in the elie that qr in the monethes of Junii and Julii anno 15 fourscoir sevintene yeires the said complener and thomas small mariner in the said elie being in Counisbery[?Tounisbery]in noraway the said complener at command of the said thomas small payit to the persone efter specifeit ye sowme of money underwretin for the causses following to wit at command of the said thomas small

to alisone malkome spous to thomas girnley in tounisberie in noroway for tua dussane denmark daillis tua dollors pryce of ilk doller as the samen gif at yt tyme fiftie thrie schilling four peneis

Item the said complener payit to the said alisone malcome at the said thomas manie his command for his victuales mait and drink his tyme being thair ane doller pryce foirsaid

Item mair thair for ane wilzecoit & ane pair of schone resavit be the said thomas fra me pryce thairof agreit betuix us thrie merk dence at fourttie schilling scots

Item mair grin the monethe of September last wes the said thomas he transporttit and furit fra the said elie & at his command in the schip callit the hart of the elie perteing to me than the quantitie following to wit

fourteine barrell hering

fyve berrell maill

saxt berrell malt sax berrell salt

thrie berrell biskit

ane berile of sep[=soap]

ane berile of schone & lining claith transporttit to noroway & delyverit to thomas thair the fraucht thairof ilk last as the samin gif than cominlie tuelff pund

Item mair for aile furneissit be me to th-(?) and his broyer at his command in the said voyage qrof the said thomas promiseit me payment extending to the sowme of sevin pund money scottis

mair qr alexr small the voyage foirsaid faithfullie promiseit to pay to me for the transportting and furing of sax berrill hering fra the said elie to noroway and threttie dusoun of dry keilling[=cod] & saithe fraucht thairof as the lyk payit at yat tyme ilk last tuelff punds scots qlks haill guids & geir wes saiflie furrit and transoportit in the said compleners schipe to the said thomas & alexr. smalles ilk ane for thair awin pairtis yrof in noroway

quha thairfor of all equittie & ressonne sould pay to the said compleiner the frauchtes thairfor abovespecifeit reptie. yit thay and ilk ane of thame for thair awin pairtis deferris to mak payment yrof to the said compleiner wtout thay be compellit as is aledit

HOWFFEIR incontinent this our precept seing ye pas and laullie sumond warn & charge the saids thomas & alexr. smalles to compeir befor us or vice admirall generall & his deputtis ane or ma in our admirall court to be hauldin in the tolbuith of dysart the sevintt day of may nixtocum in the hor of caus[?] at the instance of the said compleiner that is to say the saids thomas & alexr. to haiff done wrang in the wrangous postponing & deffering to content & pay to the said compleiner the pryces & frauchtis forsaid for the causses abovementionat & to pay to him the samin together wt all

coists damage & expensses to be sustenit be him thairthrow & uyeris to be proponit be the said compleiner day and place forsaid acording to iustice wt certificatione as effeirs

MAIR yat ye in or soverane lordis name & auctie. ... fence & areist all guids sowmes of money adettit be peiter dischingtoun in Caltlewi(?) & Jone walace lister in the elie and in thair hands to the saids thomas small to remane under suir firmance & areistment at the instance of the said compleiner for causes forsaid out transporttit or delyverit be thame to ony persones ay & quhill the said compleiner be payit of his saids sowmes or than sufficient cautioun be fundin be the said thomas actit in or admirall buiks be west town in fyffe for payment yrof as law will wt certificatione as effeirs and this onawayis be leiff undone as yow will anser to us upone ye executione heiroyf

the qlk to do we commit to yow coniunctlie & severallie our full power be this or precept giffin under seill of office and clerk of corts subscriptione manuall at the said burt of dysart the threttie first day of aprill the yeir of god M vc fourscoir nynteine yeires

(signed)? Young(sign for W.S.)

ENDORSATION

Upon ye v day of maii 1599 yeiris I thomas waught officer foirsaid at command heiroyf summond thoas. and alexr smalles personallie apprehendit & delyverit copie at yr dwelling place the qlk day and place abovespecifeit to ye effect forsaid & this I did conforme to ye tenor heiroyf in all pointtis before yir witnesses Jon. peblis stevin Micthal Jon. Mcmowty and george ardess

CS15/78/89 (Wallace c Small)

[from Warrants and Decreets]

At innernes the tuentie sevene day of februar the yeir of god M vct four scoir auchtene yeiris

that day Robert baloche messinger presentit thir our soverane lords lres with thir executiounis and indorsatiounis judiciallie to me Jasper [torn] syref clark of innernes in pns of Johne kae syref deput of innernes

I have exceptit and regrat conforme to the act of parliament guhairof the tenor follows

James be the grace of god king of scottis to our lovitt robert balloch messinger our syrefis in yat pairt coniunctlie and severallie speciallie constitut greting

forsameikil as our lords of our counsall hes be thair decreit in all four formes and eik forme to be execuut efter utheris within thrie dayes and our warding place to be within our castel of dunbartane in caice of disobedience at the instance of our lovitt abraham dewar burges of our burgh of [torn] awnar of ye schipe callit the Jonas thairof with the guids and geir efter specifeit being thairin

agains william ross of eister ganie, donald ross portioner of midganie, willame innes thair, willame ross burges of tane, willame hay thair, willame corbat tailyeor indwellar in tane, Johne reid andersone thair, donald tailyour baxter thair, ewen wricht, Johne urquhaert, william mcculloch indwellar thar, thomas ross in styall, alexander ross in meikle -[?], rannald kennoch mclewes thair, allexander wantoun, waster wrichtis, thomas wryt in catboll, willame calder thair, Johne mcroy thair, Jon patersoune thair, Johne mcane mcwillame yr, Johnne ross of mildarge, willame mcculloch in torredow, Johne waus in the denn of ferne, androw douglas in ferne, Johne dowand portionar of halranie, david dowand his sone, allexander clunes of clunie, allexander mansowne in glasdibyl

makand mentioun that guhair upone the fyft day of Julii Lxxxxvii yeirs the said abrahame dewar obtenit ane decreit of [torn] and wrangous intromissioun befoir our admirall and his deputts againes the said willame ross of eister ganie, donald ross, willame innes, willame ross, allexander hay and remanent persones particullarlie abovespecifeit decerning and ordaning tham to have done wrang in the wrangous violent and maisterful spoliatioun fra the said abrahame dewar of the guids and geir efter specifeit be thame selfis thair servands, complices and uyeris in thair names of thair causing, command, assistance and ratihabitoun

being for the tyme in his said schipe drevine violentlie be storme of wedder to the schoir of murray furth toward the toft of ross within tarbertnes foranent the plaice callit arkboll with the haill wrak, anker, cabells, tows and utheris efter specifeit drawand to land be the tyd efter the brak of the said schipe upone the x, xi, xii, xiii dayes and remanent dayes of october the yeir of god Lxxxxvi yeiris, the same than pertening to him as his awin proper guids and geir and being in his possessioun lyk as the samyne thane pertenit to him of befoir be the spacce of dyvers yeirs preceeding the tyme of the said spoliatioun

that is to say
 sevintene thowsand salt fische pryce of the thowsand four hundreth
 and fiftie punds
 nyne barrell tar pryce of the barrell ix punds
 tua barrells salmond pryce of ilk barrell threttie punds
 tuentie stane weyt of stok fische pryce of eilk stane yrof
 threttie[torn] ? schillingis
 ane last of beir pryce L punds
 fyve hundreth dry fische pryce of eilk hounder tuentie punds
 tua barrells biscat pryce L punds
 tuelf stane of butter L sch
 tua barrells peis pryce of the barrell sex punds
 tuentie hames[=two curved pieces of wood or metal forming or
 covering the collar of a draught horse] pryce of the peice xl sch

the said complinars kist pryce fyve punds
 the guids within the kist
 first saxteine sarks pryce L punds
 tuentie cuffis pryce thairof tuentie punds
 tuelfe nepkines pryce aucht punds
 sex mutches [=hoods] pryce thairof thre punds
 [blank] of frensche blak pryce threttie punds
 ane coit and ane pair of breiks of Londoun browne pryce threttie
 punds
 four pair of blak stemming schanks pryce sex punds
 tua wyliecoitts [=a long under waistcoat worn by men for warmth]
 pryce sevine punds
 four pair of schoine pryce thre punds
 ane falding bonat lynit with meitrix[?]pryce aucht punds
 ane pair of blak stemming breiks pryce thairof sex punds
 ane obligatioune of tuentie fyve barrells of salt pryce thairof thre
 scoir of punds
 the said complinars gedding and sie gowne pryce xl sch
 the kettills, poitts and fyr veschell pryce thairof tuentie punds
 ane barrell of groitts[= hulled grain] and ane barrell of herring
 pryce sextene punds
 tua axis, tua stewes[? = shovels]pryce thairof ten punds
 four stane weyt of candill pryce aucht punds
 the irne wark of the schipe pryce thre hundreth punds

Item the toppis mastis and reais[=sailyards]of the said schipe pryce
 thairof thre scoir punds
 the saids cabbells, schruds, creill[? =creels] with uther taks pryce
 four hundreth punds
 fyne cast peices pryce thre hundreth punds
 tua doubill stealls[?] four schillingis pryce ane hundreth
 punds[sic]
 tua singill selleris[?=stellaris=stills] with thair chewars[?] pryce
 fyftie punds
 sexteine doubill muscattis pryce aucht pund
 tuelf pills[= ammunition] pryce tuelf punds
 tuentie swords pryce fyftie punds
 ten stane weyt of pepper pryce four scoir punds
 tuelf ankers pryce ane hundreth punds
 four cabbells pryce tua hundreth punds
 ane warrowp[not explained but listed in Jamieson as "warrop"] pryce
 fyftie punds
 and the said schipe boat thre scoir punds
 ane dossone of daills[= planks] pryce xl punds
 the syd clathes of the said schip pryce threttie punds
 ane hundreth weyt of ballents [? weights for a balance]pryce tuelf
 punds

Iteme the rammes [=rams for guns], waponnis and furnitor of the
airtellrie pryce tuentie pund
fyn pair of hors mylne stanis pryce yrof threttie pund

and thaifoir decerning and ordaning the saids personis to refound
and delyver againe to the said complener and his possessioun ground
and place foirsaid the guidis and geir particularlie above specifeit
as the samyne is above mentionat

and decerning and ordaning the saids personis to content and pay to
ye said complener the sowme of fourtie punds of expenses of pley
maid and debursit be him in payment of the said actioun modifeit be
the judge as the said decreit of the dait foirsaid beris

and thairfoir charging the saids personis to restoir and delyver
again to the complener his possessioun guid and place foirsaid
quhat the guidis and geir particularlie above mentionat war spulzeit
and taking fre als guid as the samyne was the tyme of the
spoliatioun therfoir above specifeit or els the availl or pryces of
the samyne above rehersit togidder with the expenses above specifeit

conforme to our admirall decreit of the dait foirsaid in all points
as our saids lords decreit of the dait the penult day of Julii
instant at mair lenth beris quhilk decreit the saids personis
onnawayes abill to obey or furthfill to the said complener conforme
to the tennor thairof in all pointis without they be forder
compellit as is alledgit

our will is heirfoir and we charg yowe straitlie and command that in
contentment thir our lres seine ye pas and in our name and
auctoritie command and charg the foirsaid personis to restoir and
delyver agane to the said complener and his possessioun ground and
place foirsaid that the guidis and geir particularlie above specifeit
was spulzeit and takine fre als guid as the samyne was the tyme of
the spoliatioun foirsaid above mentionat or els the avails and
pryces of the samyne above rehersit togidder with the expenss above
specifeit conforme to our admiralls decreit and our saids lords
decreit giffine conforme thairto of the daitts reptlie foirsaid in
all points within thre dayes nixt efter they be chargit be yow that
under all hiest pane and charg that efter may followe the quhilks
thre dayes being bypast and the saids personis disobeyand that ye
charge thame yet as of befoir to restoir and delyver againe to the
said complener and his possessioun ground and place foirsaid that
the guidis and geir above mentinat was spulzeit and takine fre als
guid as the samyne was the tyme of the spoliatioun thairof above
specifeit or els the availl or pryces of the samyne above rehersit
conforme to our said admiralls decreit and our saids lords decreit
interponit yairto of the daitts reptlie foirsaid in all points
within uther thre dayes nixt efter they be chargit be yow yrto under
the pane of warding of ther personis

the quhilks uther thre dayes being bypast and the saids personis
disobeyand that ye charge thame yet as of befoir to restoir and
delyver againe to the said complener and his possessioun ground and
place foirsaid the guidis and geir particularlie above mentionat that
the samyne was spulzeit and takin fre als guid as the samyne was the
tyme of the spoliatioun thairof above specifeit or els the avails
or pryces of the samyne above rehersit togidder with the expenses
above specifeit conforme to the said admiralls decreit and our said
lords decreit giffine conforme thairto of the daitts reptlie

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foirsaid in all points within uther thre dayes nixt efter they be
chargit be yow thairto

or ells that the said personis within the samyne thre dayes pas and
enter thair personis in ward within our castell of dunbartoun etc

the quhilk uther thre dayes being bypast and the saids personis
disobeyand and not fulfilland the command of thir our lres nor yet
enterand thair personis in ward within our castell yrin to remane
upone thair awin expenses as said is

that ye in contentment thair efter denunce the disobeyars our
rebells and put thame to our horne and escheitt and inbring all yair
movable guidis to our uiss for thair contemptioun and that ye efter
your denunciatioun caus regrat thir our lres with your executiones
thairof conforme to the said act of parliament maid ther anent and
to Justice as ye will anser to us yr upone

the quhilk to do we commit to yowe coniunctlie and severallie our
full power be thir our lres delyvering thame be yowe dewlie execut
and indorsat agane to the berere

giffine under our signet at edinburt the penult day of Junii and of
our regne the xxi year 1598 yeiris *ex deliberatione dominorum
consilii* upone the tuentie sevne and tuentie aucht dayes of Julii
anno 1598 yeiris

I george muresoun messer ane of the sttrefis in that pairt past at
command of thir our soverane lordis lres to the personis within
specifeit all personallie apprehendit and delyverat thame just
copeis heiroyf to restoir and delyver agane to the complener within
nominat the guidis and geir within rehersiit als guid as they war the
tyme of the spoliatioun or thane the pryces thairyf with the
expenses within contenit within thre dayes nixt efter this my charg
under all hiest pane and charg that efter may follow

this I did befoir thir witnes alexander muresoun and dod dowe my
servands and for the mair witnessing subscriyvit with my hand my
signiteris affixt george muresowme messer

upone the thrid day of august and fourt day of the samyne the yeir
of god forsaide I the said george muresoun past at command foirsaid,
commandit and chargit the haill personis within namet to restoir and
delyver agane to the complener within rehersiit the guidis and geir
within specifeit als guid as they war the tyme of the spoliatioun or
thane the pryces therof within thre dayes nixt efter this my charge
under the pane of warding of thair personis befoir thir witnes
alexander muresoun and do[nal]d dowe my servands and for the mair
witnessing my signet is afixt george muresoun messinger

upone the aughtene day of august and nyntene day of the samyne the
yeir of god forsaide I george muresoun messinger past and chargit the
personis within mentionat[words missed out] the guidis and geir wtin
specifeit or els the pryces of the samyne with the expenses of pley
thairin specifeit or els the pryces of the samyne with the expenses
of pley thairin specifeit within thre dayes nixt efter this my
charge under the pane of warding of ther personis and this I did
befoir thir witnes alexander muresoun and dod dowe my servands and
for the mair clarificatioun my signet is afixt george muresoun
messer

upone the tuentie nyne and threttis dayes of august anno forsaid I
robert baloche messinger past at command of thir our soverane lords
lres and in his hienes name and auctoritie commandit and chargit the
haill personis within namet personallie and at ther dwelling houses
to restoir and delyver to the complener within contint the guidis and
geir within rehersit within uther thre dayes nixt efter this my
charge under the pane of rebelloun and putting of thame to our
horne and this I did befoir thir witnes allexander cuthbert,
allexander dowsowne my servand with sundrie utheris and for the mair
witnessing my signet is afixt robert balloche messinger

and becaus the haill personis warnit disobeyit the command within
warnit I the said robert baloche messinger past upone the first day
of december 1598 yeir past to the merkit croce of innernes being the
heid burth of the schyre quhair the personis within mentionat dwells
and ther on continewatioun of thir our soverane lords letters
ordourlie demntit the haill personis above complenit upone our
soverane lords rebell and put thame to his hienes horne and ordanit
all ther movable guidis to be escheit and inbrocht to his majesteis
uiss for thair contemptatioun befoir thir witnes george cuming,
androw dunbar messinger, James vaus and Johne gibsoun balloche
messinger

ye extract of thir our soverane lords lres extractit out of the
register of horneings of the syref buik of innernes wrettine be
allexander mancur writer heirop and colationat be me Jasper cuming
syref clark of innernes under my subscriptioun manuell under writine

*Ita est Jsperus cumming notarius publicus scriba vicecommitatus
de Innernes manu propria*

CS15/77 (Dewar c Ross et al)

[from Warrants and Decreets]

We maisteris Johne prestoun Johne nicolsoun Johne nicolsoun & thomas henrysoun commisser of Edr speciallie constitut for confirmatioun of tetamentis

understanding yt efter dew summons & lawfull warning maid be forme of edict oppinlie as efferis of ye executors and intronettors with ye guidis and geir of ye said umquhile James mitchelsoun and of uyeris haifand entres

to compeir iudicialie befoir us at ane certane day bypast to heir and sie executors datives decernit to be given admittit and confermit be us in and to ye guidis and geir quhilk iustlie pertenet to him ye tyme of his deceis

Or ellis to schaw ane caus quhy etc and yat nene comperit we decernit ye procurator fischall of or said commisserie in executor dative to him

and yrefter at ye supplicatioun and desyre of ye said katherine mitchelsoun we have reponit and put hir in ye said fischallis place and yt with his consent as ane act of surrogatioun maid yrupoun beiris

conforme to ye quhilks we in or soverane lords name and auctoritie makis constitutis ordanis and confermis ye said katherine mitchelsone in executrix dative to ye said umquhile James mitchelsoun alias baxter hir fader with power to hir to intronemet uptak follow and persew as law will ye guidis and geir abovespecifeit and to outred dettis to creditors and generalie all and sundrie thingis to do exerce and use yt to ye office of executrie dative is knawin to pertene provyding yt ye said katherine executrix foirsaid sall anser and rander compt upoun hir intronemissioun quhen and quhair ye samyn salbe requyrit of hir and yt ye saids guidis salbe furthcumand to all pairteis haifand entres as law will

Quhairupoun adam findlasoun merchand burges of edinburt is becum cautioun for ye said executrix and for his said moder incais of hir intronemissioun with ye defunctis guidis as ane act maid yrupoun beiris

In witnes quhairof be thir presentis subscrivit be mr edward marschell t clerk

ye seill of office of ye said commissrie is heirto affixt at edinburt ye xxv day of Januarii 1598

[signed] Mr eduard marschell

CS15/78/84 (Mitchelsoun and Stewart c Ramsay and Grot)

[from Register]

...making mentioun that qr according to the laws of this realme the saids minors, Jon warner and John Warner, iustlie succedeis to all lands and heritage and annuelrents, pertinents etc apperteneing to the persewar, david warner, tutor dative to thame for his entres lyk as he is myndit to persew yrfoir for ye weill and commoditie as also he hes fund cautioun actit in the Commisser buiks of glasgow to be anserable to thame for his intromissioun and seeing the said evidents, guidis and geir, soumes of money wrangeouslie taine and intromettit be the personnes following or in thair hands, necessar it is to the persewar tutor to persew for the samyn befoir the lords of counsall, that is to say for ane charter, precept and instrument of seasing maid and grantit to umqle John Warner and his airs be robert mure of cauldwall of the 25s lands of the tenmerklands of wester kittoksyd, paroche of Kilbryd

CS7/190/305v(Warner c Warner)

[from Register]

... and Mr williams turner commisser of wigtoun quha is admittit for his entres be vertew of ane gift of tutorie dative given to him of the office of tutorie of the saids bairnes comperand be Mrs Jon nicolsoun and lawrence mcgill

... it was allegit for the pairt of williams turner quha is admittit for his entres 11 Junii last that Jon corsane as tutor foirsaid can have na actioun for deliverance to him of the guidis and geir dettis or sowmes of money qlks may appertane to grissell slowane, ane of the said minors, be vertew of his gift of tutorie becaus the said grissell is not content in his said gift of tutorie and sa is not constitut tutor to hir

... anserit be Jon haliday that Mr williams can not be hard to propone the first allegiance becaus grissell is alreddie past the age of 12 yeirs compleit and sa is past the yeirs of hir tutorie

allegit be Mrs John nicolsoun and lawrence mcgill procurators for Mr williams turner that John corsane can not be hard to persew the said actioun nor to sute ony guidis pertening to minors be vertew of his gift of tutorie becaus Jon corsane faithfullie promeist to renunce his gift of tutorie and never to use the same in contrair the said Mr williams and of his said gift of tutorie but to ratifie the said Mr williams turner his gift foirsaid ...

CS7/192/138v (Lyndsay c Leyis)

[from Register]

...James lawlie burges of or burt of cullane, donator and haver be gift of us to him, airs assignays etc the escheat of 1000 mks usual money of this realme consignit in the hands of willame uddie of yat ilk be ser walter ogilvy of findlater knyt for redemptioun fra patrik cheyne of essilmounthe of all and haill the fishing of the water of ithane syrefdome of aberdein begining at mainheid fuird and yrfra ascendand to ye silkfuird of fyvie wt pertinentis togedder wt the lr of tak and assedatioun made be ser walter ogilvy of findlater to patrik cheyne of essilmonthe of the fishing wt pertinentis profeits and privileges usit for the space of 19 yeirs and failyeing payment of 3scoir pundis lykwayis consignit be ser walter ogilvy of findlater in the hands of william udney of yat ilk to be deliverit to patrik cheyne of essilmonthe for redempptioun of fishing fra him conforme to the reversioun grantit of auld be umgle patrik cheyne of essilmonthe to umgle James ogilvy of yat ilk guidser of walter ogilvy of findlater knyt his airs and assignayis for redemptioun and outqueitting of the fishing fra umgle patrik cheyne of essilmonthe and his airs mail contenand the soume and lr of tak foirsaid efter ye redemptioun

qlk soume of 1000 merkis and lr of tak of the fishing consignit be ser walter ogilvy of findlater knyt for redemptioun of the same pertening to patrik cheyne of essilmonthe and now pertening to his matie be reasoun of escheit throw patrik being orderlie denunciit his hienes rebel and put to the horn be vertew of lrs direct yrupoun for his noncompeirance befor his matie and lords of secret counsall to have anserit to sic things as sould have bein inquyrit tuiching the treasonabil forgeing feining prenting having outputting and exchangeing amangis his hienes lieges of fals and adulterat money and to have undertyne sic ordor as suld have bein taine yranent

CS7/190/216r(Lawlie c L Findlater and Uyris)

[from Register]

... albeit ye saids persewars [William Tyrie elder and William Tyrie younger his son and apparent heir] hes special entres to obiect agains ye said service of serving cristiane tyrie dochter to umquhile sir James tyrie eldest son of umquhile robert tyrie of busleis and Jon smyt her spouse, defenders, heritabill fewars of ye said lands of busleis hauldin immediatelie of or soverane lord, as ye persewars infeftment beirs, yit ye said syreff and his deputs of Perth can na ways be sufferit to proceed in ye said service for divers causes

first it be advertit to cut away ye said persewaris heritable infeftment of eister and wester busleis being ane mater of gritt wecht and consequence and thair is **deidlie feud standand unreconceillat** betuixt frances erle of erroll the saids persewars and yair freindis of yat hous on ye ane pairt and Jon erle of gowrie syreff of perth and his freinds on ye uyr pairt throw ye crewell hurting and wounding of george hay of seyfeild, ye said erle of erroll father brother and ye said persewaris mother brother sone, committit be george ruthven father brother to ye said syreff principall, qthrow ye saids persewars nor nane of yame nor yair freinds may not pecablie repair within ye said syreffis jurisdictioun and syreff court of perth to produce yair heritable infeftments of yair said auld heritage and defend in ye said pndit service without convocation of yair special freindis biddin as ye saids persewars wilbe summondit qlk wald not faill to ingender gritt inconvenientis

secundlie ye saids lands of eister and wester busleis lyis within ye lordschip and regalitie of methven and syreffdome of perth grof ye said erle of gowrie is syreff and ye said laird of clakmannan is vassell and servand to him, lyk as his umquhile father and he hes given his **bond of manrent** to ye said syreff and his predecessors and hes bene actuall dependars on yame, and yairfoir yai ar **suspect** to decyde or to be judges in ye said mater bot ye samyn aut to be advocat to ye saids lords at ye laist remittit to judges unsuspect

CS7/191/93v (Tyrie c Tyrie)

[from Register]

transferris the decreit ... the tenor follows

at edinburt 3 december 1586 in the actioun and caus persewit be umquhile Mr david mcgill of neisbit advocat to or soverane lord for his hienes entres and James sinclair in ewingstoun agains george ker younger in fadounsyde and andro ker his brother and robert hacie younger of bennsyde thair cautiouner makand mentioun quhair upoun 7februar 1584 robert hacie of bennsyde becum actit and oblist as cautiouner and suretie for robert ker of maynehous, the said george ker younger of fadounsyde and andro ker his brother, william ker and walter ker their brothers, walter ker and robert ker brother to andro ker of fadounsyde, thomas and robert kers, sons to the said robert in maynehous and Jon haistie younger in balden that the said James sinclair, persewar, his tenants and sevands suld be harmles of thame etc under pane of 2000 merks in cais of faillye, the ane half to or soverane, the uyr half to the pairtie grevit

notwithstanding qrof Johne ker brother to andro ker of fadounsyde be ye special causing hunding seiking out and instagatioun of george ker younger of fadounsyde and andro ker his brother and quhome they micht stope come the 2nd november 1585 under thik and silence of night to James sinclairis dwelling hous in ewingstoun and thair masterfullie and perforce brak up the duris and yettis yrof, removit and output his servands out of the same efter they had hurt and woundit sundrie of thame qrupoun some of the said James sinclairis freinds having convenit thameselffis to have relevit his said hous furth of his hands truisting na stope nor impediment to have bene maid to them, nevertheles the said george ker and andro ker with thair complices to the number of 3 scoir personnes being lyand within the place of bowstoun of sett purpose provisioun and deliberat myndis to have supportit, helpit and relevit the said John in cais he had bene persewit, come upoun 3 november and relevit and tuik him furth of the same with James sinclairis haill plenisching insicht and guids and ressavit him with his insicht and guids within the place of bowstoun, detenit and keipit him yrintil manteyning and allowing yrby all that deid the samen being done be thair special command as said is

qrthrow the said george ker and andro ker hes plainlie violat and contravenit the tenor of the act of parliament thairfoir robert heagie hes incurrit the foirsaid pane of 2000 merks, half to or soverane and half to James sinclair

thairfoir george and androw kers and robert hacie yr cautiouner to haif comperit befoir the lords at ane certane day to have hard it pruvit that the act of cautiounrie was violat and contravenit and thairfoir robert hacie to have hard him decernit be decreit of the lords to incur the sowme of 2000 merks

James sinclair pllie present with Mrs John makgill and his proloquitor, the advocat for or soverane lords entres also present the defenders comperand be Mr John russell

the lords declaris the act of cautiounrie to be violat be andro ker, ane of the defenders and declaris robert hacie his cautiouner foirsaid to incur 2000 merks etc conforme to the act of cautiounrie schawn to the lords

210₂

becaus the points of the summonds wer referrit to the persewariis
probatoun notwithstanding of the defences and allegances proponit
be the defenders procurators in contrair, terms assignit, he pruvit
the points of the summonds and contraventioun yrin contenit
sufficientlie agains the said andro ker thairfoir the lords decernit
in maner foirsaid and siclyk assoilyeit george ker younger of
fadounsyde fra the petitioun of James sinclair and fra the points of
the summonds becaus the points of the summonds being referrit to the
persewaris probatioun and terms assignit he failyeit in sa far as
concerns the pairt of george ker

the lords ordanes andro ker to pay to James sinclair ten punds
togedder with 40 schillings to the collector

*extractum de libro actionorum per me magistrum John skene clericum
rotollorum regri ac consilii etc*

CS7/192/56v (Rutherfurde c Ker)

[from Register]

... makand mentioun quhair 21 august 1599 william reid of middilfeild became actit and oblist befor ye lords as cautiouner and sourtie for andro reid of halfpennieland that ye said Jon cowmane in halfmerkland and william cowmane his broyer and Jeillis ray wedow thair wyffis bairns servands familieis and subtenentis guidis and geir and all uyeris salbe harmles in yr persones lands and guidis and geir and in no ways to be molestit be andro reid nor na uyeris of his causing etc fra ye day of ye charge nor in tyme cuming uyr wayis nor be ordor of law and Justice under pane of ane thowsamd merks, and half to or soverane lord and ye uyr half to ye pairtie grevit

notwithstanding trew it is that sen ye making of ye said act and finding of ye said cautioun andro reid in ye moneth of september 1599 came be himself, his servands and complices of his causing to ye towne and lands of auchintauch occupeit be ye saids persewars yai yair living in peciable maner and thair thai strak hurt and woundit ye said Jon cowmane with ane new lanss in ye breist to ye gritt effusioun of his bluid as als hes maist schamefullie with ye said lanss strakin ye said Jon throuch ye mid finger of his ryt hand and throuch ye mid leg throuche ye qlks hurtis ye said Jon is in danger of his lyffe

and lykways hes upoun ye samyn day and place ye said andro reid not being content with ye said justice done to ye said Jon but also hes hurt strukin and woundit ye said Jeillis ray being ane auld woman in sundrie pairtis of hir bodie be ye qlks hurtis ye said Jeillis is altogidder unhabil in hir bodie to win her leving

as lykways hes be maist crewell strakis brokin ye ryme[?] of ye said jeillis wombe qrbly sche is becum ane crepill

and mairuver upoun 5 day september yeir foirsaid andro reid not being content with the former wrangs and oppressiounes done be him to ye saids persewars he than as als under cluid of nyt being accompaneit with sundrie of or lordis lieges be way of opin oppressioun rift and spuilzeit fra ye saids persewars 18 ky and nolt grof 10 war milk ky and 8 war yeld ky and siclyk hurt and woundit ye said william cowmane in sundrie pairtis of his bodie and brak 3 ribis of ye said walter comanis syd

and in yat respect ye said andro and his cautiouner foirsaid and ilk ane of yame hes thryse conravenit ye said act and thay have incurrit ye pane of 3 thowsand merkis and aucht to be decernit to mak payment yrof ...

CS7/189/367r (Cowman c Reid)

[from Register]

anent or soverane lordis lrs purchast at ye instance of Jon watsoun portionar of sauchtounhall agains Jon reid in hauchis, James ballenden barroun of ye barronie and regalitie of brochtoun and heritable baillye yrof, Mr archibald wilkie his baillye deput of ye said regalitie for yair entreses, and ye tutors and currators of James ballenden gif ony for yair entreses

makand mentioun quhair Jon reid in ye hauchis alleges yat upoun 26 mai 1599 ye persewar having conseavit hatreid and malice agains him came to him upoun horsbak quhair he was pasturand ane quhyt hors and blak hors upoun ye balkis[=unploughed land between 2 portions of ploughed land]of his lands of hauchis allegit pertening to him heritable and that ye said persewar invaded and persewit him with ane sword and woundit him yrwith in his left arme to ye effusioun of his blude, hes upoun yat sinister and wrang narratioun intentit precept and actioun agains him befoir ye baillye of ye barronie and regalitie of brochtoun and his deputs, qrwith he hes causit charge ye persewar to find cautioun actit in ye court buiks yrof yat he sould underly [=be liable to legal procedures and penalties]ye law for ye allegit cryme and offence within 6 days nixt efter ye charge with certificatioun to him and he fail the saids lrs wald decerne lrs[=?=letters or lords]to put him to the horne

and siclyk hes causit warne him to compeir befoir ye said baillye and his deputs in ye tolbuith of ye said regalitie 21 day of Junii 1600 to underly ye law for ye allegit cryme be ane condigne [=appropriate]assyse and being convict to have hard and sene him decernit to mak ye said Jon reid ane assytment for ye causes foirsaid and forder ye persewar to be punischit in his bodie as ye said precept beirs

in ye qlk mater ye said baillye of ye said regalitie of brochtoun and his deputs intends maist partiallie, wilfullie and unjustlie to proceid and gif decreit condemnator agains him in ye said mater and aucht na ways to be sufferit to proceid yrin for ye ressons and causes following

becaus yair being summons and actioun of reducioun befoir ye lords agains ye saids persouns at of alexander stewart of bukhouis and ye said Jon reid for his entres tuiching ye reducioun and annulling of ye contract and appointment betuix gawyn carmichaell of wrytislands and ye persewar on ye ane and uyr pairtis anent ye ryt and dispositioun maid be him to ye persewar of ye lands of sauchtounhall callit wrytisland extending to ane merkland with ye chartor infeftments precepts of resignatioun precepts and instruments of saising,

in ye qlk actioun ye persewar, comperand befoir ye lords proponit ane peremptor exceptioun beirand that he aught to be simpliciter assoilseit fra ye summons of reducioun be resson yat sen ye dait of ye said lrs of inhibitioun mentionat in ye resson of reducioun, and qlk is ye grund qrby ye said alexander stewart and Jon reid intends to reduce his infeftments of ye saids lands, all maters debatabill betuix alexander stewart, James stewart his son and ye said gawin carmichaell being referrit and submitit to thomas achesoun Mr cunyear as onlie juge chosin be consent of bayt ye saids pairteis, ye said thomas achesoun gave furth and subscryvit hes said

28₂

decreit arbitrall debito tempore, be ye qlk all contracts, inhibitiouns and obligatiouns yat ony of ye saids pairteis had to lay to others charges preceeding ye dait of ye said decreit war ordanit to be dischargit

qlk allegiance being fund relevant was admitit to ye persewars probatioun and divers termes wer assignit, ye said Jon reid in ye meantyme knawing of ye assignatioun to him of ye saids termes for proving of ye said peremptor exceptioun, considering and knawin perfytlie that he wald prove ye same sufficientlie and yrby wald prevaill and obtene decreit obsolvitor fra ye said pndit summons of reducioun, he in ye meantyme resolving with himself be sum craftie menis to enter in questioun with ye said persewar his partie and to bek him to truble to ye effect yat be ye act of parliament 1584 anent ye persuit and invasioun ye ane pairtie of ye uther in persuit or defence of yair actiounis, he myt obtene decreit condempnator agains him in ye said reducioun

trew it is yat for performing and putting of his resolutioun to practeiss, ye said Jon reid 26 maii 1599 dravit and callit his hors upoun ye said persewaris gerss and cornes and chais thrie rigs of his lands lyand be west gorgie mylne dam on ye nort syd of ye gait grupoun aitis was growand pertening to ye persewar as ane pairt of his lands of sauchtounhall and in his presence pasturit and held his said horses yrupoun in contempt of him be ye space of halff ane hor and ye persewar not being content yrwith came to ye said horses and wald have poyndit yame qll his said cornes had bene comprysit and ye said Jon reid perseaving him to apprehend ye saids horses and poynd yame, he came to ye said persewar with ane corne fork and yrwith violentlie annd masterfullie bristit[=burst open]and invadit him and stopit him from poynding of ye saids horses, upoun ye qlk occasioun the said Jon reid alleges him to be hurt and woundit be him to ye effusioun of his blude, causit call and conveyn ye said persewar befoir ye baillye of ye said regalitie of brochtoun to have hard and sene him unlawit for ye said blude

in ye qlk mater he than comperand befoir ye said baillye allegit yat he was not laulie summondit upoun 15 days warning as he aucht and suld have bene but onlie upoun 3 days warning and sua he aucht not to be put to ye knowledge of ane assyse,

qlk allegiance being relevant in ye self to have stayit all proces agains him, the judge, notwithstanding grof, be ane assyse grof ye maist pairt wer vagaboundis and na wayis sic personis as be ye lawis of yis realme myt pass upoun his asyss being ane fewar and landit man, maist partiallie wilfullie and unjustlie convictit him in ye blude and blude wyit, as ye act of convictioun schawin to ye lords hes testifeit

qlk blude ye said persewar hes satisfeit to ye baillye of ye regalitie and thairfoir in respect of ye foirsaid wrang and iniquitie done be ye said baillye of ye said regalitie to him of befoir he naways aucht nor sould be sufferit now to proceed agains him in ye said mater

secundlie ye said baillye nor his deputs aucht naways to be sufferit to proceed agains ye said persewar be resson ye said Jon reid is alreddie satisfeit for ye allegit hurting and wounding of him, not onlie be ye said act of convictioun of him in ye blude and bludewyt for ye qlk caus he hes payit to ye baillye ane unlaw as said is

bot also be resson he hes obtenit ye saids lords decreit
condempnator agains him in ye said actioun of reducioun, not becaus
ye said persewar hes succedit in proving of ye said peremptor
exceptioun admitit to his probatioun bot allanerlie becaus it was
allegit yat he hurt and woundit ye said Jon reid tyme and maner
foirsaid and yat yrby he had tint ye pley conforme to ye said act of
parliament 1584, as ye copie of ye said decreit of reducioun
schawin and producit befoir ye saids lords hes testifeit, be ye qlk
decreit ye said persewaris lands callit ye smeithlandis is eiecit
from him and his infetment yrof reducit and yrby he hes tint his
heritage far exceiding ye valor of thrie thowsand merks by and
attour ye satisfactioun made for ye blude as said is, ye said Jon
reid na wayis being slane nor na uyer falt commitit agains him qlk
is capitall

and sua ye said persewar is maist vigourouslie puneist for ye
allegit falt and thairfoir ye said Jon reid can have na actioun
competent agains him yrfor, at ye leist gif ye foirsaid actioun now
intentit be him be competent, ye tryell yrof is onlie proper to ye
said lords quha hes alreddie tane cognitioun and gevin decreit in ye
said reducioun as said is, lyk as ye saids lords ar not accustomit,
nather is it ressonall for ane allegit falt qlk is nocht capitall to
grant twa severall actiouns speciallie in respect yat ye said
sentences of reducioun and convictioun of ye said persewar in ye
blude in maner abovespecifeit is mair nor ane condinge punischment
for ye said fact

thairfoir ye saids bailyeis aut na wayis to be sufferit to proceid
in ye said mater bot ye samyn aut to be advocat to ye saids lords
and thairfoir ye said defenders to have comperit befoir ye lords of
counsall at ane certane day bygane bringing with him ye principall
precept or summons direct in ye said mater to have hard and sene ye
samyn advocat to yame and ye said bailye and his deputs dischargit
of all forder proceeding yrintil for ye causes foirsaid or ells etc
as at mair lenth is contenit in ye said lrs

... all yair ryts ressons allegatiounis being hard sene and
understand and ye saids lords being ryplie advysit the lords remitts
ye said mater persewit be ye said Jon reid agains ye said Jon
watsoun to ye said barroun of ye said regalitie of brochtoun and his
deputs sua far as ye samyn extends or may extendit to ye tryell of
ye said jon reid mutilatioun gif ony be, and ordanis yame to proceid
and minister justice yrin as yai will anser to god and ye kingis
grace upoun ye executioun of yair office and notwithstanding ye
haill ressons and causes abovewritin contenit in ye said lrs of
advocatioun and siclyk ye saids lords discharges ye barroun of ye
regalitie of brochtoun and his deputs of all forder proceeding in ye
said mater sua far as ye samyn extends or may be extendit agains ye
said Jon watsoun to mak ye said Jon reid ane assythment for ye said
mutilatioun be resson **ye saids lords will suffer na judges within
this realme except yameselffis to decerne and decyd in ony
assythment** and ordanes lrs to be direct heirupoun gif neid beis in
forme as efferis

[from Register]

... makand mentioun qr upoun 22 august 1598 duncane campbell capitane of carrik as principal and robert sempill of fulwod as cautioner for him becum oblist in ye buiks of secret counsall that aulay mcaulay of ardincapill, his men tenentis and servands suld be harmles and skaythles in yr bodeis, lands, possessiouns, takis, guids and geir and on nawayis to be trublitt nor molestit yrin be duncane campbell nor nane of his causing etc utherwayis nor be order of law and justice under pane of tua thowsand merks as ye extract of ye act of caution propors

notwithstanding grof it is of veritie that patrik boyll servitor to duncane campbell capitane of carrik accompanyit with Johne mcilvornok mcilcallumgar mcilvane and sundrie uyris yr complices in october 1598 at ye special command of duncane campbell maist cruellie and unhonestlie under cover and silence of night **schot** and ditaschit[?=discharget]ane lang hagbut in at ane window of the dwelling hous of Johne grenhill dwelling within ye paroche of innerkip quhair ye said aulay and his servands war in quiet and sober maner for ye tyme louking for na harme nor iniurie of na persones

be ye quhilk schott not only wes - danielstoun, ane of ye said aulay's servitors for ye tyme slane and archibald connell ane uther of his servands cruellie hurt and woundit, bot alsua he himself schott throw the bodie to the greit perrell and danger of his lyfe as ia maist notourlie knawin

grof it is evident that ye said duncane campbell hes manifestlie contravenit the tenor of ye act of cautionrie and cum in ye contrair yrof

thairfoir he and ye said robert fulwod his cautioner hes incurrit ye pane and penaltie of twa thowsand merkis contenit in ye act of cautionrie and they suld be decernit to mak payment yrof

viz of the ane equal half of ye said sowme and penaltie extending to ane thowsand merkis to or soverane lord his hienes advocat and thesaurer and the uther half to aulay mcaulay as pairtie grevit but they refuse without they be compellit

[Mr thomas hammiltoun lord advocat and Mrs alexander king and cornelius tennent faiyeit in proving ... that ye said patrik boyll had bene domestique servand to ye capitane of carrik in october 1598, in quhilk moneth it is affermit in ye summonds the laird of ardincapill to have bene schot be patrik boyll]

CS7/191/317v(Captane of Carrik and Laird Fulwod c Ardincapill)

[from Register]

in presence of the lords comperit Mr thomas gray procurator for margaret scheillis and thomas hill in meikle govane hir spous for his entres and producit the copie of ane summons 21 July instant qr they wer summond at the instance of alexander Mr of elphinstoun thesaurer to or soverane lord and Mr thomas hammiltoun of drumcarne advocat and michell mayne burges of glasgow for his entres tuiching the production of ane obligatioun maid be michell mayne to margaret scheillis upoun the sowme of 200 mks borrowit be him fra margaret scheillis contening michell to be oblist to pay to margaret yeirlie 25 mks as for annuelrent yrof

to have bein considderit be ye lords and to have hard and sein it bene fundin verifeit and provin that margaret scheillis hes upliftit and ressavit fra michell mayne mair nor ten merks for ilk hundreth of the said 200 mks and yrby to have contravenit the laws and acts of parliament

thairfoir the said obligatioun and ryt yrof with the said sentence contenit yrintil to be decernit to appertene to his hienes and his thesaurer

CS7/185/276v(Scheillis c Mayne)

[from Register]

...touching yr bringing befoir ye lords of the contractis and to heir it be fund that they be vertew and under cullor yrof upliftit profeit and annuelrent far exceiding ye ordiner and laull annuelrent of 10 mks for evrie 100 merks and yrby contravenit ye tenor of the act of parliament and thairfoir to heir and sie the saids obligatiounes decernit and declarit null and the foirsaidis sowmes of money contenit yrintil iustlie appertenis to or soverane and in his hienes name to his thesaurer

CS7/190/146r(L Thesaurer&[L Advocat] c Ockerroris)

[from Register]

...umqle walter mcray burges of drumfermeling being callit and
accusit befoir or soverane lordis justice and his deputtis for
forgeing and outputting of fals and adulterat money in the cuntrey
expres contrair ane statut maid yranent he was thairfoir upoun the
dayis lastbypast convict be ane assyiss befoir the said justice and
his deputtis for the tressonabill cryme the said umquhile walter was
justifeit to the deid thairfoir
quhairthrow be ye laws and pratik of this realme and privilege of
his hienes croun all and sundrie the guidis geir debtis and soumes of
money pertene to or soverane and at his maties dispositioun as
escheit and suld be inbrocht to the thesaurer

CS7/187/363v(Lord Thesaurer c Drummond of Mylnenab)

[from Register]

In the actioun persewit at the instance of Mr John prestoun of fentonebarnis thesaurer of the new augmentatiouns and Mr thomas hammiltoun of drumcarne advocat to or soverane lord agains walter ross of morinsche and uyris pretendand to have intres

makand mentioun qr be divers acts of parliament laws and constitutiouns of this realme, the haill kirklands wtin the samen ar annext to the croun, and as it is specialie statut and ordanit be divers acts and constitutiouns maid yranent that all fewis sett be qtsumevir prelattis or ony benefices persones of ony kirklands to qtsumever persone or persones at ony tyme befoir the said act of annexatioun wtout confirmatioun of or soverane lord or his maties predecessor, that the samen fewis suld be null and of nane avail be vertew of qlk actis and constitiouns his hienes hes guid actioun to persew the actioun of improbatioun following

trew that as the persewars ar informit, walter ross of morinsche hes falslie forget feinzeit counterfuitit divysit and antedaitit divers infeftments of fewfermwe allet maid and grantit be umgle Mr thomas ross commendator of ferne for the tyme and convent yrof as gif thai had bein maid befoir the said act of annexatioun to umgle donald ross of lytlerany[?]his airs and assignays of all the lands qlk pertenit to the abbacie of ferne betuix the lands of meikle and lytle allane towards the west, the lands of barethes, cullin and balnastrath with pendicles towards the south, the fewferme lands of the abbacie pertening to the laird of balnagoun towards the eist, and the lands of balleblair, brigend and milncroft, doucat croft and weitlands towards the north, togedder with the four ailhouses and ailhous lands of the abbay and of ye kill of ferne and yairds yrof and of the milne of ferne and thirle multers yrof, togedder also wt ane uyr pndit infeftment allet grantit be walter ross of the lands abovespecifeit upoun the pndit resignatioun yrof allet maid be umgle donald ross, in the hands of the umgle commendator

qlks pndit infeftments, chartors and precepts grantit to the persones foirsaidis ar fals and the persewars offer to impreive the samyn coniunctlie *per testes insertos et omni alio modo quo de iure* and being improven the said walter suld be punist in his persone and guidis for the falsefying etc in example of uyris to eschew siclyk in tyme cuming

anent the charge to walter ross, defender, and uyris pretending to have entres to haif comperit bringing the infeftments etc allet grantit to the foirsaidis persones to have bein sein be the lords and to have sein the samyn improven *per testes* etc, and being improven, walter to haif bein punist in his persone and guidis

the said Mr John prestoun thesaurer of the new augmentatiouns and Mr thomas hammiltoun of drumcarne etc comperand pllie

syr patrik murray of geyneis[= Geaneis]knicht thair informer pllie pnt wt Mr Jon nicolsone his preloquitor, producit ane seasing given to the said syr patrik of the particular lands haldin be him immediatelie of or said soverane lord be vertew of the act of annexatioun, as the said seasing under the signet and subscriptioun of adame dunbar and alexander nicolsone noters publict 21 apryl 1598 beirs, and declarit that he wuld compeir be vertew of his heritable

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infetment of the saids lands and assist the persewars in this pursuit

walter ross of morinsche, defender, comperand be Mrs Jon scharp and william oliphant quha producit ane charter contening ane precept of seasing given be thomas commendator of ferne wt consent of the said convent of fernne to umgle donald ross in lytlerrainy of the lands of meikle etc as abovewrittin wtin the abbacie of ferne erledome of ross and syrefdome of invernes, to be haldin of the commendator and successors in fewferme and heretage for payment of yeirlie dewtie specifeit in the charter of 26 Januar 1576 togedder wt the seasing grantit to umgle donald ross under the subscription of robert laues noter publict, 26Januar 1576

Item ane confirmatioun of the said charter under the kings maties gryt seill grantit to umgle donald 10 apryl 1587

Item ane infetment of resignatioun 28 apryl 1587 under the sign and subscription of robert innes and John dunbar noters publict qrbv umgle donald ross, heretable fewar resignit all the lands abovewrittin in the hands of the commendator of ferne for new infetment to be given be him of the samyn to walter ross his son and airs maill, qlks failyeing to william ross his broyer and his airs maill qlks failyeing to the said williams airs and assignayis qtsumever

Item ane charter given be the said thomas commendator of ferne be vertew of the said resignatioun to the said walter ross his sons and airs mail laulie to be gottin of his body qlks failyeing to william ross his broyer and airs qlks failyeing to williams neirest and laul airs and assignays to be haldin of the commendator and his successors in few ferme for the dewtie specifeit in the charter and precept of seasing 28 apryl 1587 under the seil and subscription of the commendator and donald ross

Item ane seasing given to walter ross of the said charter under the sign and subscription of robert innes noter publict 3 mai 1587

At the qlks writs and evidents Mrs John scharp and william oliphant for william ross defender abaid as iust and trew in themselffis and efter inspectioun be the persewar and be syr patrik murray thair informer for his entres thay past simpliciter fra improbatioun of the haill evidents except of the foirsaid charter of confirmatioun under the gryt seill producit be ye defender and renuncit iure liti et causa all actioun competent to thame for impreiving yrof

grupoun Mrs John scharp and william oliphant for the defender askit instruments

Allegaunces etc being hard etc, the lords assoilysis simpliciter walter ross defender fra improbatioun of the charter of confirmatioun and fra the haill points of the principall summons and petition of the persewars and thair informer agais walter and decerns him frie and quyt

becaus efter the persewars and informer had past fra improbatioun of all writs except the charter of confirmatioun and renuncit all actioun competent to thame, it was allegit be the persewars and the informer upoun[BLANK]day of[BLANK]that the charter of confirmatioun producit be the defender was fals etc and offerit to impreive the samyn and ane term was assignit and comperit pllie the persewars and thair informer in pns of the lords 13 december instant and for impreiving the charter of confirmatioun producit the following

The pndit infeftment allet to be confirmit is maid be umqle thomas commendator of ferne to donalld ross quha is allegit to have resignit the saids lands in the commendators hands for new infeftment yrof to be given to walter ross of morinsche laul son to the commendator swa that be the said progress it immediatellie appeirs that the said principall infeftment was simulatlie maid be father to son *per interpositam personam* quha acquirit na benefit in the custodie and keeping of the umqle commendator quha lykwys remanit in peceable possessioun of the lands contenit to the tyme of deceis 20 years efter the making of the infeftment, and na confirmatioun grantit yrof qll lang efter the making of the act of annexatioun of kirklands to the croun

thairfoir walter understanding the infeftment to be null in respect of the act of annexatioun hes maist trasonlie **forgit the confirmatioun and antedaitit** it as gif the samyn was grantit befoir the act of annexatioun and to the effect that the antedaiting micht be obscure, he hes past the confirmatioun wtout the knowlege and consent of the thesaurer of the new augmentatiouns, to qlks office the samyn properlie belangs, the said confirmatioun being of kirklands, and yis being permitit[?] becum[?]be way of informatioun it was allegit that the pndit charter of confirmatioun is fals in the self in the maist substantial pairt

viz in ye dait allegit to be 10 apryl 1587 and offerit to prove that the signator of confirmatioun was writtin lang efter the act of annexatioun qlk was in Julii 1587 and that the samyn was past and confermit be the thesaurer, regrat in the thesaurers register, writtin and past ye signet, and also wrettin and past the privie and gryt seills and siclyk that the thesaurer quha ressavit the compositioun yrof maid compt of the said compositioun, and that lang efter the said annexatioun qlk was in Julii 1587, and this is offerit to be provin be ye wreitter of the signator, the principall officiaris, thair deputs and clerks, keepers of the registers, keepers of the escheit and privie seillis and thair servands, writters of the precept and writters to the gryt seill and keepers of the samyn, qlk is forme prescryvit be the act of parliament in actiouns of improbioun of confirmatiouns that are past the seillis qrby it may manifestlie appeir to the lords of counsall that the dait of confirmatioun, allet to be apryl 1587 is maist fals in the self and is only antedaitit be the craft and ingyne of the pairtie

Item It is of veritie that the signator was not *in rerum natura* at that tyme but was writtin lang efter the act of annexatioun, at qlk tyme no effectual confirmatioun culd be grantit of the infeftment in respect of the impediment of the act of annexatioun, be vertew qrof the undubtit ryt of all kirklands qlk was not set in fewferme and laulie confermit befoir the said act was duweblie[?=doubly]in or soveranes persone as ane pairt of his patrimony in sic sort that he micht not grant any confirmatioun efter the act of annexatioun for eschewing of the qlk perrell the said defender, knowing his ryt of the saids lands to be null for lack of confirmatioun hes purposlie antedaitit the samyn in apryl as gif it had bein grantit be the act of annexatioun, qlk is ane manifest falset *in articulo tempore* thairfoir the confirmatioun being fals in the dait, the haill charter of confirmatioun takand the haill force fra the deat may be declarit to mak na fayt

siclyk comperit Mrs John scharp and william oliphant for the defender upoun[BLANK]december instant and gaif in in pns of the lords the anser underwritin

That the samyn is altogidder impertinent and in na pairt yrof infers ony falset howbeit the said pndit narratioun wer trew, for it was laull to the commendator of ferne at that tyme to set his lands and patrimony in few quidder it had bein to umqle donald ross or to walter his laul sone, qlk never be quarrellit for yt caus gif the infeftment was maid with all the solemnitie requirit of the law, qlkis ar all observit in ye originall chartor of fewferme producit, and quhair in narratioun it is allegit that notwtstanding the infeftment of fewferme, the commendator retenit the possessioun of the lands, that is all maist impertinent, for in this iudgment thair is na questioun of possessione but the questione is onlie upoun the **trewth of falset** not of the originall infeftment of fewferme but of the charter of confirmatioun and that for very frivell causes as salbe mair speciallie ressonit in the direct anser to the articles

As to the last point of narratioun qr the samyn beirs that the compositioun of the said charter of confirmatioun was not ressavit be the general collector of the new augmentatiouns bot be the thesaurer, that is nather ane necessar argument nor inferris ony suspicioun of falset, for the questione is onlie upone the treuth of ye evident and not upone the ressait of the compositione

And it is impertinent altogidder haifand respect to ye very tyme and dait of ye said confirmatioun qlk is daitit at halirudhous 10 apryl 1587 at ye qlk tyme and continuellie befoir the thesaurer ressavit the compositioun of all informatiouns of kirklands and als at the samyn tyme of the dait of the confirmatioun, the name of the collector or thesaurer of the new augmentatiouns was not enterit in the warlde, yea divers yeirs yrof the thesaurer himself ressavit the compositioun of ye confirmatiouns of the kirklands wtout ony querrell

As to that pairt of the informatioun berand that the thesaurer maid his compt of the compositioun of the confirmatioun efter the general annexatioun of the kirklands to the croun, qlk annexatioun was the 29 July 1587, that is altogidder bane and frivell, and aucht nawys to move the lords be ressone that the thesaurer makis his compt of the casualteis of the haill yeir and the compositiouns maun be referrit to the deat of the signators and sa far as the thesauurer ressavit the said compositioun, it is ane evident argument that all was perfytit befoir the said annexatioun and befoir that thair was ony officiar appointit to the new augmentatiouns, in respect grof the said lords aucht naways to be movit be the said pndit informatioun

Item anserit be Mrs John scharp and william oliphant to the pndit articles of improbatione qlkis ar altogidder directlie conseavit agais the dait of confirmatione, 10 apryl 1587, and berand that the signator of confirmatioun was writtin lang efter the annexatioun and that the samyn was past and componit be the thesaurer regrat in the thesaurers buiks, writtin and past the signet, lrs writtin and past the privie and gryt seills, efter the annexatioun, that this confirmation is na originall evident, bot depends upone the originall charter, precept and instrument of seasing following yrupoun, and gif my lords advocat, collector and the said ser patrik murray thair informer will not insist upone the improbatione of the

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originall charter, precept and instrument of seasing that in the improbatione of the said confirmatione thay onlie seik ane subtilitie wtout ony iust caus to querrell the said confirmation qlk is the leist point of the said walter ross securitie

Forder, anserit directlie that nather the wretter of the signator of ye said confirmation nor the wretter of the said precept qlk past ane signet, nor the wretter to ye privie seill nor keipar yrof, nor the wrettar to the gryt seill nor keipar yrof, can be onnaways hard to impugne the deat of the confirmatione qlk is sa authentik in the self that the samyn can not be impugnit be ye declaratioun of the wreittars and keipars of the seills speciallie in respect of the deat of the confirmation under the gryt seill aggreis always wt the dait of the signator qlkis as the 10 apryl 1587, qlk is 3 monethes and mair befor the said annexatioun qlk was 29 July 1587, and it wer ane gryt and extreme inconvenient that the declaratioun of the wreittars to the seills and keipars of the registers and seills aucht impreive or soverane lords charter under his gryt seill speciallie when the said wreittars of or soverane lords lrs patents and keipars of the seills hes na sufficient record of the tymes of the wreitting of the signators and of the passing yrof throw the seills, and this war ane thing intollerable in this realme, that the wreittars to ye seillis and keipars yrof suld be thair declaratiouns preiude the treuth of or soverane lords charter under his gryt seill

Thairfoir in the monethe of Junii 1592 thair was ane special act of parliament maid to remove the feir of all this inconvenientis that fra that tyme furt the registratioun of the signator suld not onlie beir upone the bak yrof registrat bot also the day and deat of registratioun wt ye numer of the levis of the buike qrin it is registrat, qlk buik salbe markit be the hand of the clerk of the register or his deput constitut to yat effect, and siclyk that the keipar of the signet sall wreitt upone ye bak of the signator the day that he affixis the signet, and the wreittar and keipar of the privie seill sal wreit upone ye bak of the lre that day that he wreittis and passes the samen

qlkis warrand swa markit salbe maid furthcumand to onie pairtie interest for tryell of ye antedait

Bot speciallie it is ordanit that the tryell of the said evidentis sall not be ressavit wtout very gryt adminicles[=corroborative facts]and suir and certane circumstances of falseit

and seing that the foirsaid confirmatione offerit to be impruvin is daitit the 10 day apryl 1587 and lang befor the said act of parliament in Junii 1592 qlk is ordanit to have respect *ad futura[m]* allanerlie, the said pndit articles war nevir ressavit befor the said act of parliament namelie qr thair was not very gryt adminicles to induce ane falset be certane and suir circumstances as in this caice thair is na circumstance nor adminicle allet in the said maner of improbatioun qrby the originall charter precept and instrument of seasing following yrupone may be challingit for ony suspitioun of falset, bot the deat of the charter, the privie seill and the signator keipand this samen ordor that hes bein observit in tymes bypast man be declarit to mak full fayt and naways to be impugnit sein thir ppreceidit the deat of the said act of parliament in 1592, be the qlk the said stract ordor was inioynit to the wreittars to the registers and keipars of seills, qlk was uyerwais appointit to be keipit efter the deat of the said act, and lest be uyr evidentis that war maid befor to be unquerrellit and impugnit yrefter

As to that pairt of the said mater of improbatioun that the thesaurer maid compt of the compositione efter the annexatioun, it

is anserit that the samen is not relevant for the anser maid befor the narratioun and preface, and it may stand weill that the compositione was ressavit as it was indeid at the deat of the signator, qlk was befor the annexatioun, and that the compt was maid efter the said annexatioun, for it is notorlie knawin that the thesaurer everie day and everie monethe, yea everie hour makis mony compositiones, and yit makis bot ane compositione in ye yeir, and gif the persewars will examen the compt als narrowlie as thai can, thay sall find the compositione of this charter of confirmatione to be maid the samen yeir, 1587, for the qlk it man follow necessarilie that the said confirmatione is of the new deat contenit yrin, qlk aggreis wt the deat of the privie seill, the proces under the signet, and the signatorie self, and qrin the said articles of inhibitioun the samen ar offerit to be verefeit be the wreittar of the signator, wreittars of the privie seill and gryt seill, thair servands and be the keipars of the seillis

It is anserit that the samyn is ane maner of improbatione ordanit be the said act of parliament to be ressavit efter the deat yrof in Junii 1592, and aucht not to be drawn abak to ony uyr caus or causes preceeding

It is further anserit that be the said act of parliament it is ordanit that na maner of improbatioun sall be ressavit for improving of the kings charter under the gryt seill, bot upoun veray gryt adminicles and suir circumstances of falsset qr thair is nane proponit nor qualifeit in the said forme of improbatione, and speciallie qr the originall infeftment of fewferme, precept nor instrument of seasing ar not impugnit de falso and namelie becaus it is evident that the said charter of confirmatione was onlie exped befor the said generall act of annexation, and swa befor ony richt of propertie that or soverane lord nicht pretend to the saids lands annd propertie yrof bot als befor the said ser patrik, the said persewaris informer, nicht haif or pnd on richt to the foirsaid land

Item qr the said charter of confirmatioun is querrellit becaus the signator yrof is regrat efter the annexatioun, it is anserit the samyn to be altogidder irrelevant for the ordor of the registratioun is na caus to accuiss the trew dait of the evident becaus the wreittars to the register and thair servands uses to regrat according to yr commoditie, qlk is kepit in all the kingis registers of the thesaurie, privie seill and gryt seill and in the registeris of the sessioun, bayth of decreittis, interloquitors and contractis bot the lait ordor divysit to the act maid in junii 1592 hes put ane speciall remeid to all thir doubtis, qlk act of parliament actit provydis ane speciall rowll for all tymes efter the deat yrof

Swa it levis all evidentis preceeding the deat of the samyn in yair awin integritie to be unquerrellit qr thay haif all the necesser solemniteis and yrfoir the said pndit matter of inhibitioun is not relevant nor admissible and aucht not to be ressavit

Qlks articles and anseris particularlie foirsaidis being hard, red, seine and considerit be the lords and thai yrwt being ryplie and at lenth advysit, the Lords of counsall finds the saids articles and maner of improbatione product be the said persewar as said is for improving of the said charter of confirmatione nawaiss relevant nor admissible of the law, lyk as was cleirlye understand to the saids lords and yrfoir thai gaif yr decretit absolvitor in manner abovewrittin

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Forder the lords in respect of the persewars and thair said informeris passing fra improbatione of the 3 particular wreittis abovespecifeit except the foirsaid charter of confirmatione and of thair renunciatioun iure litiet causa of all actioun competent to thame for improving of the samyn assoillyeis simpliciter the said walter ross defender from improbatione of the particular wreittis and evidents foirsaidis past fra as said is and declars him frie and quyt yrfra in tyme to cum and declars that the said thesaurer of the new augmentatiouns and or said soverane lordis advocat nor the said ser patrik murray yr informer sall never be hard to impreif the said evidentis or ony ane of thame in na tyme heirefter

see A.P.S., 1600, c.40, IV. 240.

CS7/190/373r(WalterRoss of Morinsche c L Advocat, Collector and Ser Patrik Murray)

[from Register]

anent the summons rasit at the instance of william sinclar of rosling superior at ye leist proprietor of the lands agains Mr william hart of levilands advocat, John now lord borthvik and his tutors and curators gif ony tuiching the production of the pndit obligatioun be umqle william lord borthvik guidser to John now lord borthvik to william hart upoun the sowme of ten thowsand merkis allegit awand be him to Mr william togedder with the pndit lrs of horning and apprysing direct yrupoun wt the executiouns yrof wt the lrs of serching and seiking of ye said umqle nobill lords movable guids and geir and lrs of denunciatioun of his lands and heretages togedder with ye poindit proces of comprysing following yrupoun qrbv Mr william hart causit appryse ye lds of catcun wt ye mylne and pertinents yrof of quhatsumever dait to have hard the samen retreitit etc becaus the lands of catcun wer and is haldin be umqle william lord borthvik guidser to John now lord borthvik and be his predecessors of the lairds of rosling be service of ward and releif and thairfoir the lands of borthvik ar redemable to the lairds of rosling yr superiors in sic service and dewteis as uyr vassillis haldand ward and releif ar adettit to yr superiors, and speciallie in ye ward of ye lands and marriage of yr eldest son in cais ye father die seasit in ye saids lands haldin in maner foirsaid in defraude of ye qlk ward and mariage of ye said umqle James lord borthvik that last deceissit and of ye mariage of Jon now lord borthvik, qlk undoutedlie wald have than pertinit to umqle ser william sinclar of rosling superior of the saids lands for ye tyme and consequentlie to the said complener his son and superior of the saids lands and having ryt to his dispositioun to ye ward and mariage of umqle James lord borthvik

the said obligatioun was gevin be umqle lord borthvik to Mr william hart to ye effect that be apprysing of the saids lands hald in ward and releif ye said ward and mariage suld be fraudfullie and be circummventioun tane away fra ye umqle laird of rosling and consequentlie fra william sinclar now of rosling his son, thair beand na sic trew or appeirand caus of ye said obligatioun qrfoir ye said Mr william could have debursit sic sua greit sowmes of money as ten thowsand pundis for releif of the said umqle william lord borthviks lands qlks can nevir be schawin that they wer evir relevit be ony debursings maid be Mr William nor yit ony trew dettis qrof the said Mr william relevit umqle william borthvik guidser to Jon now lord borthvik at ony creditors hands or yit is it liklie that Mr william myt have relevit him or debursit sua greit and exorbitant sowmes bot that haill deid and obligatioun wes fraudfullie maid betuix william lord borthvik and Mr william hart, the said Mr william being at that tyme his brother in law procurator actor and factor and having ye credit in all his efferis and taking ye burding upoun him for umqle william lord borthvik in sundrie hes wechtiest efferis

Lyk as befoir ye registratioun of the said pndit obligatioun qlk wes about ye end of the monethe of apryle fourscoir ane yeirs being ye first tyme that evir the samen come to knowlege, the said umqle william lord borthvik had contractit the deidlie seiknes grin he efterward deceissit qlk movit ye pairteis to haist ye registratioun yrof and comprysing schortlie following yrupoun in maii immediatelie yrefter wt gret diligence and for ye better cleiring of ye said collusioun betuix the saids pairteis being bundit personnes in hurt and preiudices of ye orlord his ward and mariage

it is of veritie and gif neid beis salbe provin be wryt or ayt of pairtie to quhome ye said pndit obligatioun wes maid that ye tyme of subscriptioun yrof at ye leist befoir the registratioun of ye samen the said Mr william in presence of divers freinds of name and hous of borthvik maid, subscryvit and deliverit to umqle william lord borthvik ane bakband grin the said Mr william grantit that the foirsaid obigatioun maid to him wes for saisine of umqle william lord borthvik his airis mariage and eschewing of ye ward of ye said lands of cathcune that be his deceis wald fall in the laird of roslingis hands his superior yrof and be his said bakband band and oblist him and his airs to use the foirsaid obligatioun for comprysing of the foirsaid lands of cathcun and na uyerwayis bot to the weill and utilitie of ye hous and airs of umqle william lord borthvik

and howsone the saids lands of cathcune wer apprysit and the said Mr william infest yrin be vertew yrof that he sould set the samen agane in few to the said umqle lordis airs for payment of the retorit dewtie allanerlie and sua be plane collusioun and simulatioun betuix umqle william lord borthvik and Mr william hert ye saids lands of cathcune wer apprysit and eiecitit fra umqle william lord borthvik induring his lyfytyme to ye effect that he sould not die vest and seasit yrinto

and consequentlie the ward of the saids lands with the mariage of the air suld not fall in ye just superiors hands thinkand yrefter as may be probabillie collectit of sic maner of proceedingis betuix sua coniunct personnes that ayer ye acquittance of ye sowmes contenit in ye reversioun legall and inherand in the said comprising the said umqle James lord borthvik that last deceissit myt retour his saids lands be the samen and lyk meins as he left thame, the said umqle ser william sinclar superior in all his tyme being defraudit of his ryt, the qlk wald undoutablie have fallin unto him in cais ye said fraudulent and simulat obligatioun had not bein maid and thinkand not only tending to the hurt of the saids lands of rosling in this caice bot to ye evident subversioun of all uyr ryts that ony superiors may pretend to thair vassellis haldand ward and releif of thame gif be sic fraudulent and simulat cowpingis and interchange ye saids lands salbe tane fra ane vassell to ane uyr but ye superiors consent and they thairby defraudit of yr ryts indirectlie qlk nather law nor equitie directlie wald suffer to be done

in respect qrof ye said pndit obligatioun as fraudfullie maid and gevin be the said umqle william lord borthvik togidder with ye act of registratioun yrof, lrs directit yrupoun wt ye haill executiounis and proces of comprysing following yrefter sould be retreitit etc

william sinclar of rosling comperand be Mrs alexander king and Johne nicolsoun

Mr william hert comperand be Mrs thomas craig and william oliphant Jon now lord borthvik and his tutors and curators for yr entreses, summond not comperit

grupoun Mrs thomas craig and william oliphant for Mr william hert askit instrumentis

CS7/185/215v(L Rosling c Mr Wm Hart)

[from Warrants and Decreets]

warrant to ...

shown to us be maister rannald bayne burges of edinburt that quhair Mr walter mubray merchand burges of ye said burt be his lrs obligatour 13 september last grantit him to be restand awand to the complinar sex scoir ane pundis for certane victual ressavit be Mr walter fra ye complinaris wyff in ye burt of leth and promiseit to pay betuix ye dait of ye lrs obligatour and 24 december nixt yrefter 1598 togedder with tuentie pundis for expenses to be sustenit be ye complinar in caice he was constraint to register ye saids lrs obligatour or to sute ony uther proces of law yairanent

quhairupoun ye complinar raisit or uther lrs be deliverance of ye lordis of counsall and causit serch and seik walter mubrayis reddiest guidis and geir within edinburt ... bot culd find na guidis nor geir outwith lockfast rowmes to his skaith except remeid be provydit

we charge yow to arreist his reddiest guidis and faillye of guidis that yow appryse his lands to ye avail of ye principal and expenses efter ye form of his lrs obligatour and decreit interponit and to yat effect that ye in or name and authoritie mak opin duris and other lockfast rowmes and use or keyis thair according to justice

edr 7 februar 1598

ex deliberatione

[signed]Jo; williamsone

xii februar

[ENDORSATION]

robert balloche 15 maii etc ...makand oppin duris to ye effect foirsaid thomas broun elder merchand burges of edinburt come to me at ye said yet and maist violentlie and maisterfullie put hands on me and dang me violentlie fra ye said yet and sa maist wilfullie deforcit me and stayit me in ye executioun of my office and in ye meantime I brak my wand upoun the said thomas and requyrit witnesses

[witnesses are a messinger, 2 tailors, an admiral's officer ; the tailors use the letters T and S but the others use marks]

CS15/79/80 (Browne c Bayne)

[from Register]

anent the summons raisit at the instance of John levingstoun of baldorane agains robert barthilmo in birkinschaw makand mentioun quhair robert barthilmo being dilaitit [=recounted] to be airt and pairt of the cruel slauchter of umquhile patrik barthilmo of kersiebank his uncle committit be alexander barthilmo brother to the said robert and James cokburne servant to - cokburne lady of the peill of levingstoun for ye tyme of the said robert his causing and command as was allegit notwithstanding his purgatioun be his greit aith and offering himself to underly the lawis yrfoir, and feiring that he suld have bene torturit and tryit extraordinarlie for eschewing yrof and for feir of the injurie of his pairtis qrwit he wes oft tymes schoirit threatnit and minassit he menit himself to ane mekil lord alexander lord levingstoun his maister for mentening and defending of him agains the iniuries of his pairtie and becaus he durst not repair oppinlie towards his said maister quhile the said slauchter was recent, thairfoir he employit the said complener to intertene at the noble lordis hands for mentening and defending the said robert fra the violence of his adversare pairtie and extraordinar tryell and tortur as said is, and for the compleneris panes and travails takin be him yrintill, robert faytfullie promisit to pay to him ane hundreth punds

and albeit the complener at the desyr of robert intercedit with the nobil lord, quha haifing takin upoun him the defence of robert defendit him als weil agains all violence of his pairtie as fra the rigorous and extraordinar tryell and tortur qlk was intendit and threatnit agains him

nevertheles robert wrangouslie refuses to mak payment to the persewar of the hundreth punds

the persewar comperand be Mr thomas craig
robert barthilmo pllie pnt

the lords assoillyeis robert barthilmo defender fra the petitioun of Jon levingstoun persewar becaus the points wer admittit to the persewaris probatioun and Mr thomas craig referrit to robert barthilmois aith quha declarit that the sammen was in naways of veritie and that he nevir promisit to have payit the persewar ane hundreth punds

lrs and siclyk to charge the persewar on a simple charge of 6 days to pay ten punds and 40 schillings to the lords collector

CS7/192/121v (Barthilmo c Levingstoun)

[from Register]

anent the summons raisit be Jon levingstoun of balinorane agains
rot bartilmo in birkinschaw to heir him decernit be decreit of the
lords of counsall to pay to the persewar £100 promeisit to him be
robert bartilmo for his intercessioun usit be him at the hands of
lord levingstoun for defence of robert bartilmo in the actioun and
caus criminallie persewit and intentit agains him for airt and pairt
of the slauchter of umqle patrik bartilmo of kerssibank conforme to
the said robert bartilmois faytful promeis

CS7/185/165r(Levingstoun c Bartilmo)

[from Register]

anent summons rasit at the instance of alexander maister of elphinstoun thesaurer to or soverane and Mr thomas hammiltoun of drumcarne advocat etc agains robert mure of cauldwell, James mowatt of busbie, allane cathcart of brownehill, william wallace minister of faill and Johne wallace of auchanis

makand mentioun qr be ye act of parliament haldin at edinburt october 1581 it wes statut that for samekill as yr is of lait croppin in amangis sum nobill men prelattis barronnes gentilmen in certane pairts being of guid leivings griet abuse contrair ye honnor of yis realme and different from the honest frugalitie of yr foirbeiris passand to burrowis clachanis and ailhousses wt yr houshald and sum abyding at hame in yr awin places uses to buird yame selffis and uyris to yair awin servands as in oistlaries

Qrupoun shamfull & skaithfull incombements daylie fallis out to the offence of god, defrauding ye puir of yr almons, sklander of this realme, and hurt of the authors for remeid groff or soverane lord wt avyse of his maties thrie estaitts of ye said parliament hes statut and ordanit that everie prelatt lord barroun and gentilman sall mak his ordiner residence at his awin hous with his familie in all tyme cuming efter the publicatioun of the said act of parliament for setting fordwart of pollicie and decoratioun of the said dwelling places, supporting of the pure wt almons and intertening of freindschip wt yr nichtboris in all guid and honest meannes and that they foirbeare ye said inhonest forme of burdeing of thameselffis yr familieis and houshald in burrowis clachanis ailhousses under the panes following

ilk lord and prelatt under pane of 500 mks

ilk greit barroun under pane of 300 mks

ilk landit gentilman under pane of 200 mks

and gif they failyie being callit and ordorlie convict of transgressing of the said act, the said panes to be upliftit to his maties use

trew that the persounes underwritin hes contravenit the tenor of the act

william wallace minister of faill failyieit in making of his ordiner dwelling and residence wt his familie at his hous of faill

allane cathcart of brownehill ...failyeit...lyk as yai nor nane of thame held na ordiner nor dwelling places wt yr familieis reptie. in yr said dwelling housses particularlie abovespecifeit bot expres contrair ye tennor of ye act burdit thameselffis in ye towne of faill in ye dwelling hous of [BLANK] indwellar continuallie in ye tyme of winter 1598 and thai have incurrit the pane of 200 mks as for pane of contraventioun of the samyn act

James mowatt of busbie failyieit in the residence of busbie

Johne wallace of auchanis ... they burdit thameselffis wt robert boyd wtin the place of dreghorne winter 1598 and sua hes incurrit the pane of 300 mks

robert mure of cauldwall burdit himself in ane Johne blairis hous besyd ye said robertis awin dwelling place of cauldwall 1598 and sua hes incurrit the pane of 300 mks

... the lords declaris that they failyieit in making of yr residence at yr awin dwelling housses and hes burdit thameselffis ... etc and

ordanes thame to mak payment, ilk barroun 300 mks etc becaus the points wer fund relevant to the persewaris probatioun efter the defenders wer summond and not compeirit and terms being assignit he pruvit sufficientlie

CS7/190/286v(L Thesaurer c Burdeonris)

[from Acta Parliamentorum Jacobi vi A.D. 1581]

Aganis ye abuse of sum landit gentilmen and uyeris forbeiring to keep hous at yair awin dwelling places.

21 FORSAMEKILL as of lait yair is croppin in amangis sum noblemen prelatiis baronis and gentilmen in certane pairtis of yis realme being of guid levingis greit abuse contrair ye honoure of ye realme and different from ye honest frugalitie of yair foirbearis passing to burrowis townis clauchanis and ailhousis wt yair houshaldis and sum abyding in yair awin places uses to buird yame selfis wt uyeriis to yair awin servandis as in ye hostillareis quhairon skaithfulland schamefull inconvenientis dalie fallis out to ye offence of god defrauding of ye puir of yair almous sclander of ye cuntrie and hurt of ye authoris ffor remeid quhair of oure soveranne lord wt aduise of his thre estatiss of yis present parliament hes statute and ordanit : That euerie prelat lord barone & landit gentilman sall mak his ordinar dwelling and residence at his awin hous wt his familie in all tyme cuming efter ye publicatioun of ye actis of yis present parliament ffor setting forward of policie and decoratioun of yair saidis dwelling places supporting of ye puir wt almous and intertening of freyndschip wt yair nichbouris be all guid and honestt meanis And that yei forbeir ye said dishonest forme of burding of yame selfis and yair familieis wt houshalds in burrowis clauchanis & ailhousses or in yair awin housses under ye panis following That is to say ilk lord and prelate under ye pane of five hundreth merkis Ilk greit barone under ye pane of thre hundreth merkis and ilk landit gentilman under ye pane of twa hundreth merkis and gif yai failze being callit and ordourlie convict of transgressing of yis present act ye saidis panes to be upliftit to oure soverane lordis use.

[from Register]

anent summonses rasit at the instance of alexander Mr of elphinstoun
thesaurer to or soverane lord and Mr thomas hammiltoun of drumcarne
his maties advocat for his hienes entres agains Colonel david boyd,
John hunter tutor of sinclerstoun, - hessilfeild, david barklay of
ladyland, James barklay of penistoun, alexander cunninghame of
corshill, william porterfeild of douchall, - cathcart of watterheid,
- logane of -, Mr Jon dunbar of pollois, william wallace minister of
fail, william wallace of corneweill, alane cathcart in bromhill,
James mowat of busbie, John wallace of auchanis, robert wallace of
garrik, Jon boill of kilwinran, robert montgomry of skelmorlie,
robert mure of caudwell, Jon blair of yat ilk to heir the premisses
fund and declarit be decreit of the lords that ilk ane of thame has
at the tyme lybellit, ilk yeir, failzeit in making yr ordinar
dwelling and residence at yr awin dwelling houses and that ilk ane
have burrowit thameselffis, yr fameleis and houshaldis in burrowis,
clachanis and ailhouses nor in yr awin houses as is particularlie
mentionat in the said summonses

thairfoir ilk ane hes incurrit ye paines specifeit yrintill yeir
specifeit

thairfoir to heir and sie thame decernit be decreit of the lords to
mak payment to or said soverane lordis thesaurer yrof grin thai have
faillit and contravenit ye tenor of ye said act

CS7/190/121r(L Thesaurer c Clachaneris)

[from Register]

in ye actioun and caus persewit at ye instance of Jon fergusson of
dartullicht agains soirlie moir mconeill mcallane[?]camroun in
lochquhaber, malcolme mcsorlie camroun and donald mcsorlie mcamroun
his son, allane mconell dowie camroun of yat ilk and alester
mcchorlie[?] camroun of glenaves

for ye violent and maisterful cuming be thameselffis yr servands
complices and uyris in yair names of yair causing command assistance
and ratihabitoun, all bodin in feir of weir, with bowis
darlochis[=quivers for arrows]habarschouines[=habergeons, coats of
mail]and uyris wapinis invasive prohibite to be worne be ye law of
yis realme and acts of parliament at ye tyme reptlie underwritin

to ye persewariis lands of dartullicht edderginnet and dunknokkan
with pertinents lyand within ye serefdome of perth, and thair
wrangeouslie violentlie and maisterfullie spuillzeing reving
intrometing with awaytaking ressaiting detening and withhauling be
thameselffis etc furth of ye grund of all and sundrie guidis and geir
and bestiall of ye avails following [extending to 130 ky and
oxin]...

CS7/191/57v (Fergusson c Soirlie Moir)

[from Warrants annd Decreets]

...to charge the foirsaidis persones[list] at thair dwelling place except donald neilsoun of assynt be opin proclamatioun at ye mercat croce of or burt of innernes qlk is the heid burt of ye schyr quhair he dwells admittand the samyn als lauchfull as gif he was summondit personallie or at his dwelling place **becaus he is ane hieland man indweller in or Iyllis and nane dar repair thair to summond him** conforme to ane deliverance grantit be the saids lords of or counsall to compeir first november to anser at the instance of or advocat and of william leslie donatour to heir it decernit be the lords that they wer ordorlie denuncit rebels and unrelaxt attour ane yeir and day

makand intimatioun quhidder they compeir or not the lords will proceid and minister justice to the complener as we may of law

to be tabulat in or table and callit oulky on fryday conforme to ye ordor yrof and to summond andra leslie, donald balfour and thomas blair to beir southfast witnessing ...

CS15/77/78{Leslie c Douglas}

[from Register]

...Mr Johne cheyne heritable proprietor of pitfichie agais archibald clerhew, [+list of 83 names] to heir thame decernit be decreit of the lords of counsall to ceis fra all forder using haunting friequenting of the persewaris wods parks & orchards of pitfichie, pulling[?putting]of nettis cutting peilling and distroying of treyis growand yrin, casting doun of the dykes yrof and siclyk and to pay ilk ane of thame for yr awin pairtis to the persewar xxlib for everie 5 or 6 tymes that thai have contravenit the premisses togedder with the unlaw of fiftie pundis conforme to the act of parliament

CS7/190/184v(Cheyne c Clerhew)

[from Register]

... making mentioun that 16 july 1596 betuix fyve and sex houris efternoone ye said persewar, alexander mcgill provost of corstorphine, being wtin his fatheris dwelling hous in the cowgait doing his laull efferis, alexander lauder then fear of haltoune sent and directit his servand david pringell desyring the said complener maist ernstlie to cum to his said mr quhais message the persewar obeyit fering na harme nor iniurie to have bein done to him

incontinent he past wt the said david pringell to the said laird of haltoune lying on the north syde of this burt foranent the salt croce and entering salutit the said laird of haltoune as became him to do thereafter immediatelie ye said alexander causit mak lokfast the durris and presentit to the persewar ane lr requyring him to subbscryve

to quhome ye persewar anserit that he wuld be advysit yrwt bot the said alexander apprehendeing him wt baith his hands allowit ye saids - satisfie his desyr wtout delay lyk as ye said James lauder his brother drew furthe his dager and pointed the samen to the said mr alexander his faice and be gryt ayt wollit to strik him throw the bodie wt the samen gif incontinent he subscrivrit not the said wrytine qtever war yrin contenit

and in lyk maner ye said david pringell wt uyer tua servandis commandit him specialie to subscrive and do the lairdis will at that tyme sen as they said it behuvit him rather to do ill nor to die

Quhairthrow the said mr alexander unarthellie handlit and for fear and dreddor of his lyff constraint to subscrive not knowing quhat was or is yrin thairfoir the said alexander himself halding the said persewar fast input in the putchis of his sleiff ane certane quantitie of gold agains his will and lykwayis held ane pece of wyn to his mowth and forsit him to drink all bygane querrellis away

and wtout delay the said mr alexander cam furthe doune the turnpyk within Johne bannatynes hous and finding there four or fyve men he declarit to them the haill proceeding of the said alexander his brother and servands had causit and compellit him to subscrive and bring furthe perele in maner foirsaid and inquirit gif ther was ane noter amangs thame of quhome ane callit - cokburne granting himself ane noter the said persewar askit instrumentis in his handis in the pns of the remanent persones requyring thame to be witnesses of his declaratioun

and immediatelie yrefter the persewar past furthe of the said ludgeing and on the calsy declarit the haill premisses to mr James balfour minister and in his pns past to william neper baillye and delyverit the haill quantitie of gold yat was imponit in the putche of his sleiff requyring him to keip the samen qll the commisser war tryet and amendit

In lyk maner the said persewar without delay reportit the haill premisses to ane mund[? = group] of the lords of sessioun quhairby it is evident that the said alexander has done[?]maist wranguslie agains all ordour of iustice in manifest contempt of or soverane lords auctie and the said lords resident wtin this burt apprehending the said persewar being frie persone the said alexander haveing sent his awin servand for him under cullor of frendship and maist

unworthillie compellit him to subscribe the said wryting ane thing
uncurabill to pas unpunissit wtin the cheiff toune of this realme

CS7/187/346v(McGill c Lauder)

[from Register]

... Mr william andersoun syref clerk of syrefdome of aberdein has be gift of his matie to him, his airs and assignayis the escheit of the guids moveable and unmoveable qlk pertenit to Mr alexander fraser or qlk he hes or sall acquire during the tyme of his rebellious pertening to his matie and at his gift throw Mr alexander being laulie denuncit rebel and put to the horne on 9 apryle 1597 be vertew of lrs direct at the instance of Jon Leslie of balquhane than seryf of the syrefdome of aberdein for not randeriing and delivering to him the haill registrie buiks and scrollis of the said syrefdome

or throw being of the said Mr alexander ordorlie denuncit rebel and put to the horne be vertew of uyr lrs at the instance of george erle of huntlie lord gordon and badyenoche syreff prinll of the said syrefdome for not making compt rekning and payment to his maties chekker befoir the lords yrof of the nonentresses blenches releves doubling of few fermes uyris casualties and dewteis fallin wtin the said syrefdome yeirly sen 1581 for the said george erle of huntlie his releif yrof

or throw being of Mr alexander fraser ordorlie denuncit rebel and put to the horne upoun 8 Februar 15-- be vertew of uyr lrs direct at the instance of Mr Johne skene clerk of registrie for not randeriing and delivering to him of the authentik doubills and copies of the haill registeris of the said syrefdome contening the registratiounis of all inhibitiounis interdictiounis hornings and relaxatiounis to remane in his maties regrie

or throw being of the said Mr alexander being denuncit rebel and put to the horne upoun 22 october 1595 for not finding sufficient cautioun and sourtie actit in the syref court buiks of aberdein yat he suld compeir befoir the said syreff and his deputs yrof to underly the law for the crewel and unmerciful murther and slauchter of umqle [BLANK]hendersoun committit be him

or throw being of Mr alexander ordorlie denuncit rebel and put to the horne at the instance of ony uyr persone or persones for qtsumevir caus preceiding the day and dait heirof qrby his escheit mak vaik or fall in his hienes hands togidder wt the escheit of the lyfrent of all lands heritages etc males etc qlk pertenit to Mr alexander and now pertene to his matie throw Mr alexander being denuncit rebel and put to the horne for the above ressones and remaning yrat attour yeir and day unrelaxt qrthrow he hes tint his lyfrent as uyris lrs under the privie seill proportis

CS7/190/283v(Andersoun c Fraser)

[from Register]

anent the summons raisit at ye instance of walter commendator of blantyre ane of ye senators of ye college of justice and thesaurer to or soverane lord for ye tyme agains Jon erle of cassillis lord kennedy

makand mentioun quhair 27 merche 1599 thair was ane appointment betuix Jon erle of cassillis lord kennedy, sir robert melvill and the commendator of blantyre, ane of senators of the college of justice, be qlk it was aggreit yat ye persewar, Walter Stewart commendator of Blantyre, sould demit the said office of thesaurarie in favor of ye said erle of cassillis upoun ye conditiouns following maid be him yrby in favor of ye said commendator

to wit that first ye said erle suld retour and deliver to ye said prior his obligatiounis qlk he hes maid to archibald johnstoun and uthers extending to £12000 and frie ye prior yrof in everie way

and yat ye said erle sould give his particular obligatioun obleissing him his airs executors and assignays to pay to ye said prior his airs executors and assignays the sowme of £8000 as his proper dett by and attour ye said obligatioun at mertinmes nixt following ye dait of ye appointment and now lang bypast ye sowme of £2000, at witsonday nixt yrefter 1600, uyr £2000, at mertinmes same yeir ane uyr £2000 and at witsonday 1601 ye last £2000, qlk compleits ye hail sowme of £8000

it is of veritie that be ane uther posterior appointment had in ane conference in ye secretaris chalmer in presence of ane number of or soverane lordis counsall betuix ye sd erle and ye commendator anent ye said office of thesaurarie, ye said prior of blantyre offering ane pretendit dimissioun of ye said office of thesaurarie in favor of ye said erle of cassillis conforme to ye first appointment abovespecifeit, subscryvit be yame at ye tyme abovewrittin it was be ye samyn posterior appointment of 29 merche aggreit and finallie assentit to be bayt saids pairteis that ye performing of ye dimissioun foirsaid togidder with ye fulfilling be ye said erle of ye conditiounis sett down at ye said appointment sould be be commoun consent continewit to ye 17 day of appryl nixt yrefter

at qlk day ye said prior promiseit for his pairt and alsua oblist himself to dimit ye said office in or soverane lords hands according to ye first appointment and yat ye said erle upoun ye other pairt promiseit and oblist himself of new to performe and accompleis in presence of or soverane lord and his hienes counsall to ye said prior qtsumever conditiouns contenit in ye said appointment or minuit yrof and to have present with him at yat tyme sic sufficient securiteis as sould content ye said archibald Johnstoun and uys to quhom ye said prior was addetit be his bands in ye said sowme of £12000

to ye effect foirsaid as in ye tua severall appointments abovespecifeit

trew that upoun 17 appryl last qlk was day and tyme grunto ye first appointment and performance yrof was continewit, ye said walter prior of blantyre comperand personallie befoir or soverane lord and lords of secret counsall and yair with all humilitie dimitit and overgave ye said office of thesaurarie disponit be or soverane lord to him of befoir, qrof he had ye burding thrie or for yeirs of

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befoir, in favor ye said erle of cassillis, and yat for obedience of ane charge of horning direct be or soverane lord and ye saids lords of secret counsall agains ye said walter for yat effect

and alsua for implement of ane minute of ane mutual band and contract past betuix ye said erle of cassillis and ye said walter upoun ye said 27 merche last subscryvit with yair hands and reiterat upoun ye samyn conditiounis upoun ye 30 day of ye samyn moneth

and the said walter yan maist humblie cravit his majestie to accept ye said dimissioun maid be him for obedience of ye said charge and for fulfilling of his pairt of ye said minute as said is and protestit it myt be fundin be or soverane lord and ye saids lords of secret counsall that his pairt of ye said appointment in sua far as he is onywayis bundin to ye said Jon erle of cassillis was alreddie satisfeit and fulfilit be him and ayt[?] he myt have competent actioun and executioun agains ye sd Jon erle of cassillis for fulfilling of ye other pairt of ye said minutis obligatiounis qrbv ye said erle of cassillis is bundin and oblist to do performe and fulfil ony poynt heid or article yrof to ye said walter prior of blantyre

the qlk protestatioun or said soverane lord with advyse of his majesteis privie counsall efter making deliberatioun and acceptatioun of ye said dimissioun admittit ane of ane and declarit yat ye said walter prior of blantyre had sufficientlie satisfeit quhatsumever he was onywayis bundin unto be ye said minutis and appointment as yrin contenit, as ye act and decreit of secret counsall in and yrupoun at air lenth properts

qrbv it is evident yat ye said Jon erle of cassillis stands and abydis just dettor to ye said commendator in ye said sowme of £8000 promittit be ye said erle to him for dimissioun of ye said office of thesaurarie in his favor in maner foirsaid and aut and sould be compellit to mak payment to him of ye said sowme of £2000 qlkis sould have bene payit at ye said term of mertinmes last bypast and siclyk of ye sowme of £2000 termli in tyme cuming according to ye tenor of ye saids minutis obligators and appointments foirsaid

...nevertheles ye said Jon erle of cassillis wrangouslie refuses...

the lords of counsall **assoilyeis** simpliciter ye said erle of cassillis from ye petitioun of ye said walter prior of blantyre in ye said mater and fom ye hail poynts and articles contenit in ye said principal summons and decernis him quhyt yrfra in tyme to cum

becaus it was allegit be Mrs Jon scharpe and alexander king procurators for Jon erle of cassillis that he aut to be simpliciter assoilyeit from ye said summons becaus ye twa minutis of appointments producit be ye prior of blantyre for instructing of ye said summons maid betuix Jon erle of cassillis and ye said prior ar bot minutis of contractis qlkis ar ordanit to be extendit in ampill forme and nawayis ar perfytit contractis subscryvit be bayt ye saids pairteis and qlkis in cais yai had bene perfytit the said erle wald have made himself sure yat ye conditioun grupoun he communit with ye said prior, to wit yat he sould have bene laulie removit to ye said office of thesaurarie sould have bene actioun plischit to him befoir he had bene astrictit in payment of ye said sowme of £8000

and gif ane procurator grantand yat ye samyn ryt be estemit to be perfytit contractis yitt ye said erle of cassillis can na wayis be oblist yrby to pay ye said sowme of £8000

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becaus gif upoun ony conditioun ye said erle of cassillis was oblist to pay ye said sowme of £8000 to ye said persewar the same was in hoip yat he sould have bene thesaurer to or soverane lord and that he sould have bene provydit to ye office yrof be his hienes and be ye law *causa data causa non sequita* na man can be oblist to pay ony sowmes of money qlks he sould be oblist to pay for ony caus qlk followis nor nather yitt myt have followit seeing ye kingis majestie na ways consentit yrto

bot be ye contrair his hienes provydit alexander Mr of elphinstoun to ye said office of thesaurarie fallin in his majesteis hands be dimissioun of ye said prior of blantyre quha continuellie sen syne and pntlie bruiks ye samyn office

thairfoir ye said erle of cassillis nather being placet in ye said office nor haifing ressavit na commoditie for ye said sowme of £8000 he naways sould pay ye samyn bot sould be simpliciter assoilyeit from ye said summons

qlk allegiance being fund relevant be ye saids lords notwithstanding ye haill ansers maid yrto for ye pairt of ye said prior of blantyre the samyn was admittit to ye erle of cassillis probatioun quha instantlie verifeit and pruvit ye samyn sufficientlie lyk as was cleirlye understand to ye saids lords

thairfoir thai gave yair decreit absolvitor in maner foirsaid and ordanes lrs to be direct hereupoun gif neis beis in forme as effaris

CS7/189/131r (Erle of Cassillis c L Blantyre]

[from Register]

anent the summonds raisit at the instance of Mr edward merschell commiser clerk of the commissariot of edinburt agains Mr william kellie wreitar, Mr alexander guthrie clerk of the burt of edinburt, walter adamesoun and magdalene barroun relict of umquhile Mr James richie and James, william and John richies and tutors and curators gif they ony have for yr entreses

makand mentioun quhair the penultimate august 1597 at the deceis of umquhile Mr James Johnestoun clerk of the commisariot for the tyme, the said Mr edward be his lrs obligatour of the dait foirsaid for the luiff and favor qlk he beir to the bairns of umquhile Mr James richie and to the effect that the said office myt have bene persewit to the weill of Mr James bairns be the concurrence moyen and assistance of yair freinds subscrivers and witnesses insert in the said lrs obligatour in fordering and advancing of Mr edward to be provydit yrto, thairfoir the said Mr edward promisit to labor and travell to obtene himself provydit to the said office of commiser clerkship and being provydit yrto for ye causes foirsaid, faithfullie band and oblist him to receave James richie eldest laull son of the said umquhile Mr James and failyeing of him be deceis, william richie and failyeing of the said william, John richie, to intertene thame with himself at bed and burd and uyr necessers and intreat thame as becomes, traine thame up in vertew at the schuills till ony of thame attene to the aege of 20 yeirs and ql they pas yr cours of philosophie and yrefter to receave enter and traine up onie of thame in exercising of the said office till onie of thame being on lyff atteine to the aige of 20 yeirs compleit

at the qlk tyme he band and oblist him to demitt the said office of the clerkship to onie of the saids thrie sones being than on lyff and that in manner and at the tyme foirsaid he payand to the said Mr edward the sowme of sex thowsand pundis money befor the said commissioun and delivering to him ane substitutioun efter he hes obtenit him provydit yrto

and farder oblist him not to demit the said office bot in thair favors and in cais he refusit to demitt the said office in favors or to onie of the saids James, william and Jon richies at thair perfyte yeiris of 24 yeirs compleit, in that caice the said complener oblist him to content and pay to the bairns of the said umquhile Mr James the sowme of five thowsand merks pntlie numerat and liquidat of his awin consent to be equallie devydit amangis thame as in the obligatioun beiring to be regrat in the buiks of counsall

efter the making of qlk lrs obligatour the bairnes freinds subscrivers of the same, to wit umquhile Mr robert rollok, Mr william kellie wreitter, walter adamesoun and Mr alexander guthrie commoun clerk of edinnburt at na tyme made ane moyen cocurrence and consall or assistance in fortefeing, furthering or advancing the said complener to be provydit to the said office, it being of veritie that he be his awin moyen and procurement without onie help or assistance of the saids freinds obtenit himself to be provydit to the said office of clerkship in the moneth of - 15four scoir - , swa that the caus for the quhilk the said obligatioun wes grantit be him to the saids bairns followit not and wes not fulfillit to the said complener be the saids freinds and thairfoir of all equitie and reassoun he wes and suld be frie of all observatiouns of the said

lrs obligatour qlk wer given ob causam non sequutam speciale being maid super rem quam non cadit commertium and upoun the said office upoun the qlk yr can be na transactioun nor na demissioun maid yrof bot onlie be the advyse and consent of the lords of counsall to quhom the gift and presentatioun yrof properlie appertenes

lyk as the saids freinds understanding that they had not helpit the said Mr edward and that be yr moyen he wes not provydit and that the said band wes not obligator at ye leist micht have becum ineffectual ather be the deceis of the said Mr edward or of the bairns, they desyrit the said Mr edward to utter his love and goodwill towards the saids bairns in geving to them sum suppoirt and that he micht bruik his said office during all the days of his lyftyme with the love and favor of umquhile Mr James richeis wyff and bairns, qlk the said Mr edward at thair desyr and be thair advyse did be his uyr lrs obligatour, 24 merche 1597, efter that the persewar wer provydit to the said office, being of mynd and purpois not to forget the guid will had be the said umquhile Mr James towards him and to the effect the complener myt bruik and injois the said office with the love and favor of umquhile Mr James wyff and bairns during the haill of his lyftyme, thairfoir he with advyse of the bairns and freinds, understanding that James richie eldest laull son to umquhile Mr James wes ressonallie provydit be umquhile Mr James his father and that marioun, willame, bessie, margaret and John richies the said umquhile Mr James remanent bairns wer all young and meanlie provydit thairfoir the said complener oblist him to content and pay to the said Mr alexander guthrie the sowme of ane thowsand merks money in name and behalf of mareoun and bessie, margaret and John richies at the termes specifeit in the obligatioun to remane in the hands of Mr alexander guthrie be the space of ten yeirs yrefter to cum to be imployit be him during the said space upoun annuell and that the principal sowme with the annuells at the ische and expyryng of the said ten yeirs suld be maid furthcumand be Mr alexander to the saids bairns conforme to his band to be maid at the recept yrof, for fulfilling of qlk obligatioun the complener reallie and with effect deliverit the sowme of ane thowsand merks to Mr alexander guthrie in name of the bairns, qlk sowme with bygane annuells is now accreisit to the sowme of threiteine hundreth and tuentie punds as the said Mr alexanderis acquittance 15 august proports

and be ane uyr band of the foisaid dait oblist him to traine up James richie and to interteine him at bed and buird and scuile ay and ql he wer 20 yeirs of aige and that he micht do for himself lyk as he hes the said James pntlie in his hous pntlie with him and the said last obligatiouns being given as the same beirs, to have bene given be the said complener to the effect that he micht bruik and joise the said office with love and favor of umquhile Mr James richieis wyff and bairns during all the days of the compleneris lyftyme as the tua obligatiouns beirs

thairby the effect of the said former obligatioun beiring the said complener suld demit the said office to the saids bairns at 20 yeirs wes in effect innovat be the said last obligatiouns beiring that the same wer maid and the sowme of money contenit yrin wes maid that the said complener suld bruik the said office during his lyftyme, thair being na uyr caus that micht have compellit the complener to mak the said twa last obligatiouns

lyk as the said twa last obligatiouns wes maid be the complener and receavit be the saids bairns freinds in satisfioun of the first obligatioun qlk the complener will refer to the ayth of veritie of the said Mrs alexander guthrie and willame kellie quha ar the

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saidis bairns freinds and procurators to thame of bathe the saidis obligatiouns swa that the first obligatioun is not onlie becum void in the self as being given frielie without the recept of onie guid deid for ane caus qlk followit as is above deducit and being lykways null as being maid *super rem quam non cadet in commertium*

and upoun the demissioun of ane office grupoun na profitable nor valable portioun nor transaction can be maid upoun the demissioun yrof without the advyse of the lords of counsall and sessioun to quhome the gift and presentatioun of the said office properlie appertenis, that thairfoir the said complener aucht and suld be declarit and maid frie of all observatioun yrof and that the samen is in effect innovat exemit and tane away be the persewars obligatiouns in maner abovewrittin qlks and the sowme of money yrin contenit wer given be the said complener to the saidis bairns and yr freinds in yr names to ye effect the said office micht remane with him during his lyfytyme without onie demissioun in satisfactioun of the said former obligatioun

thairfoir the said former obligatioun aucht to be deliverit to him to be usit and cancellat be him at his pleasur and he declarit to be maid frie of all keeping and observing yrof as being allowit innovat and altogidder tain doun in maner above expremitt

nontheles Mr william kellie havear of the band, Mr alexander guthrie, walter adamsoun and magdalene barroun relict of umquhile Mr James richie, lykways havears in thair hands of the first obligatioun of penult august 1597 maid be the complener in favor of the saidis bairns anent the demissioun of the said office at ye leist ye persouns quha had hes or fraudfullie hes absentit and put the said obligatioun away will on noways deliver the same again to the persewar to be usit and cancellat be him as obligatioun qlk is becum void innovat and ineffectual in the self to the effect the complener may be maid frie of all observatioun yrof in tyme cuming without they be compellit

anent the charge to Mr william kellie, Mr alexander guthrie, walter adamsoun and magdalene barroun, relict, havears of the first band and obligatioun to have exhibit befoir the lords and being producit the said James, william and John richies and tutors and curators gif ony to have hard and sene the same deliverit to the complener

the persewar comperand be Mr robert lyntoun
Mr william kellie comperand pllie, quha upoun 1st Julii instant for satisfying the desyr of the summons sa far as he is convenit as havear of the said band and obligatioun lit, producit ane obligatioun in presence of the lords, dait penult Julii 1597 maid and subscrivit be Mr edward merschell and beirand him to be oblist to demit the office of the clerkschip of the commissariat of edinburt in favor of the said James, william and John richies successive or ony of thame that sal happin to be on lyf at thair perfyte age of 24 yeirs compleit, the said James, william and John richies or ony of thame payand always to Mr edward merschell the sowme of sex thowsand pundis and siclyk deliverand to him ane substitutioun of the said office

[IN MARGIN]

and in cais ye said Mr edward merschell refusit to demit the said office to have payit the bairns of the said umquhile Mr James richie equallie amangis thame the sowme of fyve thowsand merks as expenses liquidat of his awin consent as the obligatioun beirs

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and the said Mr williams kelli after the production of the
obligation askit instruments upon the production yrof and the
haill remanent defenders being all laillie summondit to this action
divers tymes and not comperand
the ryts and depositions of witnesses etc the lords ordanit the
obligation product of the dait abovewritten to be deliverit to be
cancellat etc as an obligation grantit to him *ob causam non
sequitam et super rem quam non cadit in commercium* and qk wes maid
upon the said office upon the qk ther can be na transaction nor
valiable pactioun maid or ony demission grantit yrof bot onlie be
consent and advyse of the lords of counsall to quhom the gift and
presentation yrof properlie apperteins

and als as being in effect inmovat and alterit and tane away be the
said posterior obligations qks wer given in satisfactioun yrof
becaus the haill points wer fund relevant be the lords and admittit
to the persewaris probatioun and divers terms assignit he pruvit
sufficientlie

lrs gif neid beis

CS7/192/158r (Mr Edward Merschell c Guthrie)

[from Register]

anent the summons raisit at the instance of Mr eduard merschell clerk of the commissariot of edinburt agains Mr william kellie wryter, Mr alexander guthrie commoun clerk of the burt of edinburt, walter adamsoun and magdalene barroun relict of umqle Mr James richie and James, william and Jon richeis laul sons and bairnes of umqle Mr James richie and yair tutors and curators gif ony for yr entreses tuiching decerning thame to exhibit befoir the lords ye pndit band or obligatioun of the penult august 1597 maid be ye complener in favor of James, william and Jon richeis anent ye dimissioun of the said office of ye clerkschip of ye commissariot of edinburt in favor of thame sirvivand successive efter yr perfyte age of 24 yeirs compleit upoun ye payment of money specifeit yrintil to have bein sein and to have hard the said pndit band decernit to be delyverit to the complener to be cancellit, distroyit or uyrways usit be him at his plesor

CS7/185/233v(Merschell c Ritchie)

[from Register]

anent the summons raisit at the instance of James richie eldest son to umgle Mr James richie commiser clerk of the commissariot of edinburt agains Mr william kellie wrytar handar of the band and obligatioun qrby Mr eduard merschell band and oblist him to enterteine the complener and failyeing of him be deceis his broyer nominat yrintil successive at ye sculls and uyerwayis ql the said complener or ane of his brether successive wer of 24 yeirs auld and than to dimit the said office of ye clerkschipe of ye commisariot in favor of ye complener or ane of his brether upoun ye payment of sic soumes of money as suld be modifeit and insert be certane yr freinds in ye blank reservit to yt effect to have bein sein and considerit be ye lords and being exhibit ye said Mr eduard merschell to have hard and sein the samen band decernit to be fillit in ye blank thairof with ye soume of money at ye discretioun of ye said freinds and yrefter delyverit to ye said complener

CS7/185/232v(Richie c Merschell)

[from Register]

...it is trew that richard dobie the tyme he acquyrit the heritable ryt of stanyhill and richt of the reversioun grantit for redemptioun of the said annuelrent abovespecifeit annaliet furth yrof dailie and continuellie sen syne offerit to the said James dalglesche and his spous and uyeris yr freinds having the administratioun of yair affairis the principal sowme of 1000 merks for redemptioun of the said annuelrent of 100 merks, lyk as richard dobie was ever willing to have maid payment of the principal sowme upoun ane sufficient renunciatioun and grant of redemptioun to have bene deliverit to thame yrupoun But becaus the saids James dalglesche and katherine tyndall his spous ar auld ageit seiklie persouns allutterlie failyeit and decayit in thair toung language and sensis and cheiflie the said James principall pairtie quha can nather give anser nor ressonne anser nayer yit understand quhat is his guid or evill toward himself nor nane utheris and that nane of his freinds wald tak ane burdene upoun thame for him to be cautiouner for warrandice to the said richard dobie of his renunciatioun and grant of redemptioun that the same suld be sufficient, thairfoir the said richard dobie was compellit to retene the foirsaid principal sowme in his awin hand ql premonitioun micht be maid yrfor and sa the nonpayment of the principal sowme stude not in him nor in his default but be the said James dalglesche and his spous quha ar ageit and failyeit of yr natural sensis and maist unabill to grant to him ane sufficient renunciatioun for the grant of redemptioun ...

CS7/192/178r (Dalglesche c Creichtoun)

[from Warrants and Decreets]

... as to the remanent of the said 100 merkis extending to 44 merkis, trew that the said edmond pitscottie being redactit and brocht to grit povertie and miserie not[torn] ... to sustene himself ather in meit or rayment as is notourlie knawn, the said complener, John Schaw, was not onlie forced to give to the said edmond furth of his purss bot also in respect of the littil or na credence he had at uyr menis hands, the said complener behuiffit to furneis the said edmond clathing and to releve him of certane dettis at ye handis of divers creditors, quha in cais he had not gottin releiff of the said complener wald haif wardit him wtin our tolbuith of edinburt quhairin he wald have remanit lang afoir he had bene relevit

quhilk debursings and furneising will far exceid the said sowme of 44 merkis ...

CS15/78/17 (Schaw c Stevin)

[from Register]

anent ye supplicatioun gevin in befoir the lords of counsall at the instance of andro naper merchand burges of edinburt agains rodger mcnacht, george todrig, thomas speir and Johne howiesoun, bailleis of edinburt

makand mentioun yat quhair ser andro ker of pharniherst knyt having laitlie repairit to this burt for doing of his lauchful effairis and being resavett in ludgeing with the said persewar ane few dayis, the bailleis of ye burt of edinburt at ye desyre of sum particular pairtie and for civill debt as apperis grof ye said persewar is ignorant, come to his said ludgeing, serchit and socht ye said andro in his chalmer to haif apprehendit him and putt him in warde expresslie agains all law and resson that ony gentilman salbe tane furth of his awin hous for ony civill crime

tharefter they enterit in conference with ye said ser andro and desyrit him to tak ordor with his pairtie and to yat effect desyrit yat he sould nocht eschaip out of ye said ludgeing for ye space of twa or thrie dayis, quhilk he obeyit

and yrefter fering to be ony forder molestit be yame he presentit ane supplicatioun to ye saids lords grupoun he obtenit ye saids lords delyverance direct to ane maser to warne ye saids bailleis to compeir befoir ye saids lords the morne nixt efter the charge to have hard ane sein it be fundin and declarit be ye lordis decreit that the saids bailleis aut nawys to trubill or molest ye said ser andro sua lang as he remaneit within ye said persewaris tenement in quyet maner, far les to trubill him quha is naways challengit at ye instance of ony persoun for ony particular fact or caus nor yit cautiouner for ye said ser andro or ony uyris be word or writt under the pretext of quhatsumever civill debt restand awand be him as accords of ye law and to decist and ceis fra all trubling and molesting ayer of him or of ye said persewar, discharging yame yrof and of yair offices in yat pairt as ye saids lords delyverance at mair lenth beirs, quhilk is execut upoun ye 29 day of november last bypast agains the saids bailleis, defenders

nochtwithstanding grof ye saids bailleis on ye pndit mater upoun quhais pretext or occasioun the said persewar knawis nocht, daylie scheiris[?]and manasses[=menaces]to put him in warde and hes alridie by all form and ordor observit within this realme placet ane garde within his ludgeing, he being presentlie bedfast, to the number of aucht persouns, as gif he war ather ane theif or trator, kepit him captive within ye said ludgeing and will not fail to direct yair officeris to tak him furth of his ludgeing to yat effect, without the saids lords provyde remeid

albeit be ye law during the dependance of ye said persuit alreddie intentit be ye saids lords delyverance, na novatioun suld be maid quhile cognitioun be tane in ye said caus and yat it may be knawin be ye saids lords be quhat warrandice they proceed agains the said persewar and the said ser andro

and anent the warning maid to ye persouns defenders to haif comperit befoir ye lords of counsall at ane certane day bygane to decist and ceis fra all trubling or molesting of ye said persewar, ayer within his said ludgeing or uyrwys in doing of his lauchful effairis within this burt during the dependence of ye said persuit alreddie intentit

and to ye finall end yrof and ay and quhile yair be sum lauchful and necessar caus fund and tryitt agains him, or ells to haif allegit ane ressonall caus quy the samen sould not haif bein done, as at mair lenth is contenit in ye said supplicatioun

andro naper comperand be Mr Johne russell his procurator

rodger mcnaucht and Johne howiesoun for thamselffs and the remanent bailleis being personallie present togidder with Mr william oliphant yair preloquitor

all yair ryts, ressons and allegances being hard and sein and understand and the saids lords yrwith being ryplie advysit, the Lords of counsall ordanes ye proveist and bailleis of edinburt to remove ye garde of men of weir now presentlie being within the said andro naperis dwelling hous of yis burt inputt be yame for keiping of him yrin and to suffer ye said andro napeir to pas and repas quhair he pleisis as or soverane lordis frie leidge for doing of his lauchfull effairis within this burt of edinburt

becaus ser James scrymgeour of dudhope knyt constable of dundie and william commendator of pittinweme becum cautiouners coniunctlie and severallie for ye said andro that he sould releif and skaytles keip the saids proveist and bailleis of edinburt at ye hands of Johne and andro blaks in kinghorne and of the letters of captioun raisit and execut be yame agains ye said proveist and bailleis of edinburt for taking of the said andro ker of pharniherst as law will

and ordanes lrs to be direct heirupoun gif neid beis in form as effaris

CS7/191/397v(Naper c Toun of Edinburt]

[from Register]

... makand mentioun qr william symontoun in ryflat hes in tak and assedatioun maid be the persewar, James hammiltoun of libertoun, to him for divers yeirs all the lands of ryflat, baronie of carstairs syrefdome lanerk for payment yeirlie of[BLANK]as the tak grantit to him beirs and trew that william symontoun is becum depauperat and not able to pay the persewaris yeirlie dewtie and lykways for forder defraude daylie sellis dispos and awayputtis his haill guidis and geir swa that nayer will he find cautioun for payment to him of the byrins nor of the dewtie in the yeirs of his tak to rin nor yit will he remove fra the said lands without he be compellit

CS7/190/353v(Hammiltoun c Symontoun)

[from Register]

qlk day anent or soverane lords letters purchast at the instance of James lockart elder of lie agains James lockart younger of lie his son, tuiching the productioun befor the lords of qtsumever lrs of suspensioun purchast and obtenit be ye said Jas lockart younger of lie for suspending ye lrs of horning underwrittin raisit and execut agains him at the instance of James lockart elder and of archibald and andro lockarts brethers indwellers in edinburt viz for suspending ye lrs of horning rasit and execut agains him at the instance of James lockart elder archibald and andro lockarts

[1] for not warranding, releiving, keeping of thame and ilk ane of thame skaithles and harmles anent the payment to william trumbill, or in his absence to robert naper or alexander lowrie of £1822 13s 4d and of the sowme of ane hundreth pundis of liquidat expenses and siclyk for not payment to thame of uther tua hundreth pundis money conforme to James lockart younger his obligatioun maid yranent

[2] and siclyk for suspending of ye uther lrs of horning purchast at the compleneris instance agains James lockart younger his son for not fulfilling of ane contract maid betuix thame qrintil James lockart younger is band obtene yeirlie to ye complener dischargis and acquittances of certane annuallrents as mentionat in the said contract and for not payment making to the complener of sevin scoir merkis yeirlie conforme to the contract

[3] and als for suspending of ye uyr lrs of horning purchast be James lockart elder agains James lockart younger for not infetting of mareoun cunninghame spous to ye said complener in lyvrent in ye turnnepyke and tenement of land lyand in the burt of lanerk and for not resigning of the samen in the hands of the bailleis of the said burt to yat effect conforme to ane uyr contract and appointment maid betuix the complener and his said sone yranent

to have bein sein and considerit be the lords and the said suspensiouns being producit to have hard and sein the samen callit, ressonit and discussit be the saids lords with certificatioun to the said James lockart younger and he faillyeit, the lords wald admit protestatioun agains the said suspensiouns and find the compleneris lrs ordorlie proceedit and decerne the samen to have effect and be put to forder executioun notwithstanding of ony lrs of suspensioun purchast be James lockart younger agains ye said lrs of horning as contenit in the lrs rasit be the complener

James lockart elder, complener, comperand be Mrs william oliphant and thomas gray qua producit in presence of the lords the 3 lrs of horning rasit and execut at his instance agains James lockart younger

and James lockart younger being laulie summond to produce the saids suspensiouns and to insist in the persute yrof with certificatioun as is abovementionat and not comperand to that effect, thairfoir the saids Mrs william oliphant and thomas gray for the complener protestit that all ye saids lrs of horning purchast be him agains James lockart younger myt have effect and be put to forder executioun efter the forme and tenor yrof conforme to the certificatioun abovespecifeit of the saids lrs notwithstanding of ony lrs of suspensioun purchast be James lockart younger agains the samen hornings abovementionat or ony of thame

qlk protestatioun the lords admittit and admits and thairfoir according to the certificatioun abovewrittin of the said lrs hes fundin and finds that it salbe leasum to the complener to put his said lrs to forder executioun agains the said James lockart younger and siclyk finds the saids chargis and executiounis alredy usit agane execute at the compleneris instance agains him be vertew of the saids lrs of horning abovementionat to be orderlie proceidit notwithstanding of quhatsunever suspensioun, gif ony be purchast be the said James lockart younger in the contrair and ordanes lrs to be direct hereupoun gif neid beis in forme as efferis

CS7/185/285v(L Lie c his Son)

[from Warrants and Decreets]

[xx nov 1595 producit per Scharpe]

to my son Johne maister forbes be yis I deliverit

[in reply to a question if he had any business in Edinburgh]

I knaw of nain say far as I heyr lathentie yor broder will do nay thing to yor contentment ... suppois he hes and haldis my gold by my will ye resson he will be verry layth to pas to edinbroucht to spend ony of it or yeitt of his awin sylver he hes bygit ane corn myll in achmatauch and hes divers masouns he awand stains to byg ane stan hous in lathentie I knaw not quhow that will agre and to pley in ye law lathentie hes bean to me and cals abraham and his broder twa ingrait and unfrynd sonis

god be jug betuix yam and me and gyff me patiance

forder I send to yow gybe patone twa dayis sen syne with ane writtyng of myin

I haiff not gottin him nor nay anser again

[xx nov 1595 producit per Scharpe]

xxvii Julii 1595 to my son ...[?James]forbes of lethentie yis I deliverit

a letter asking him "to gif up writs and 2000 merkis togedder with ye keyis of my crelis and coffir"

[signed] yor auld fader
Wam lord forbes

CS15/79/33 (Forbes c Forbes)